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### THE AMERICAN CRISIS.

THE crisis which occupies the anxious thoughts of all patriotic Americans almost baffles the curiosity of European spectators. It is not surprising that those who are primarily interested in the struggle repel with some impatience the comments and advice of strangers who are at best imperfectly informed. Englishmen are familiar with the mixed feelings which are suggested by foreign criticism on their own domestic politics. Irritation at serious misapprehensions, amusement over superficial mistakes, and general consciousness of superior and intuitive knowledge, are not incompatible with the admission that a dispassionate bystander may see some points in the game which escape the players. It is absolutely necessary that the foreign observer should be guided in a great degree by native judgments, which he must afterwards harmonize and reconcile with facts to the best of his ability. The problem presented by the varying opinions and motives of different parties existing in four or five systems of States, is in a high degree complex and embarrassing. New England with the Western part of New York, Pennsylvania and the great city of New York, the North-western States, the Middle States, and the separatist populations on the Gulf of Mexico, are only groups which have some large political interests respectively in common, while they are subdivided by innumerable peculiarities of character and situation. The Cotton States alone desire separation from the Union as the most effectual mode of removing the restrictions which impede the extension of slavery. Cupidity, passion, and incessant controversy have led the Southern populations to prefer a single economical arrangement to honour, patriotism, ambition, and even to a deliberate calculation of their own selfish interest. In resentment of the Personal Liberty Acts, they practically abrogate the Fugitive Slave Law, and by depriving themselves of the resources belonging to the Union they visibly diminish their chance of extorting Cuba from Spain. On the other hand, they will probably obtain additional facilities for extending their continental dominion Southward; and their enthusiasm for cotton and slavery supersedes, for the present, all reflection on the mode by which a conquered race of mongrel Spanish Catholics is to be governed and held in subjection. It now seems certain that the dominant parties in the seceding States are determined to persevere in the course which they have adopted. The efforts of the friends of the Union are directed to the object of confining the movement within its actual limits, in the hope that the moderate minority in the South may hereafter become strong enough to retrace the course which has recently been followed. The Northern Slave States cling to the Union, both from policy and from conviction; but their feelings, and a kind of honour which prevails among slaveholders, are altogether on the side of the South. Virginia, Kentucky, and Missouri strongly deprecate secession, but they will run all risks in preference to an unqualified submission to the Republican party. Many of their leaders think it possible, if disruption should prove inevitable, to organize a Central Union, which would reclaim the Cotton States, although it might exclude New England from the Confederacy. The dread of such a solution inclines the Northern Republicans to accept of almost any tolerable compromise; and some of the proposals brought forward by Central politicians appear to be plausible, and almost equitable.

Mr. CRITTENDEN, whose propositions have been most extensively discussed, is believed to be a sincere friend of the Union; and he probably represents the opinion of his own State of Kentucky. There is no serious dispute in the Senate or in the House as to the expediency of repealing the Personal Liberty Acts, although it is doubtful whether all the several States would be willing to carry out the under-

taking of their leaders. The chief objection of the Northern States to Mr. CRITTENDEN's project is founded on the unlimited facility which it offers for acquiring additional Slave territory. The adoption of the plan would amount to an entire surrender of all the objects for which the Republican party has contended. The objection would be obviated by the amended proposal, that all the existing Territory should be divided into two States, separated by the parallel of  $36^{\circ} 40'$  of latitude, which was the boundary provided by the Missouri Compromise. Unfortunately, it is improbable that the Southern States will accept an arrangement which would be ruinous to their favourite schemes. Under the proposed plan, the extension of the Union towards the South would depend on the policy of the Central Government; and it is well understood that the Free States, by their rapid increase in population, will soon command the Congress, as they have already elected a President. Kentucky clings to slavery the more zealously from her close neighbourhood to the free community on the other side of the Ohio. Mr. CRITTENDEN has probably gone to the utmost limit of conciliation in his desire to preserve the Union. Many of his supporters will be contented if his efforts result in a Central alliance, which, occupying an ostensibly neutral position, would really be hostile to the North.

The violent party which sympathizes with the seceding States is supposed to meditate an attack on Washington, for the express purpose of rendering civil war inevitable. By preventing the inauguration of Mr. LINCOLN on the 4th of March, the friends of slavery would force the North into the alternative of ignominious submission or armed interference. The promoters of the movement calculate with confidence that all the Slave States would adhere to their cause as soon as the first shot was fired, and they are probably not mistaken in thinking that it is more important for their purposes to form a Southern Confederation than to avoid a conflict. Their plot is, unluckily, far too practicable, for the Federal capital is situated on Southern ground, and the military forces of the Free States have no right to enter Columbia in time of peace. The PRESIDENT, shrinking from the verge of treason, has committed the defence of Washington to the undoubted loyalty and vigour of General SCOTT; but the number of regular troops within reach is insignificant, and, with the aid of the local militia, the COMMANDER-IN-CHIEF can scarcely reckon on two thousand combatants. To foreigners it would seem that so gross and wanton an outrage as the capture of Washington would scarcely be advantageous to the party which perpetrated it, but it is certain that serious alarm is felt in all parts of the North, as well as at the seat of Government. The execution of the project would lead to reprisals from the Free States; and, when the war had once commenced, the whole of the South would probably adopt the cause of the original aggressors. It seems to be understood that, if Mr. LINCOLN is allowed to take possession of the Government, the danger will have passed over, and the transfer of power to a functionary who is said to be honest and determined may possibly correct some of the evils which have arisen from Mr. BUCHANAN'S vacillation and disloyalty. If the secession had not taken place, the slaveowners and their Democratic allies would have commanded a majority in both branches of Congress. The resignations of Southern members will place the opposing factions on an equality; and the House of Representatives will probably, as on the last occasion, be long unable to organize itself by the choice of a Speaker. The whole matter is less important as the boundaries of old parties are likely to be effaced, and the troubles which convulse the Union are, for the most part, beyond the reach of Congress.

Disinterested considerations would have rendered the disruption of the Union generally unpalatable to Englishmen, but their regret for the catastrophe is not a little enhanced

by the political and economical difficulties which it is calculated to produce. Even if the production of cotton is not checked, foreign commerce must necessarily be embarrassed by the disputed jurisdiction of the Federation and of the seceding States over the harbours of export. The mouth of the Mississippi is probably by this time wholly in the power of the seceders, and it is troublesome, though not impracticable, to trade with a community which has at present no recognised existence in relation to foreigners. After a time, it will become necessary to determine the question of acknowledging the separate States or the new Confederation. The uniform policy of England would recommend the recognition of an actually independent State, but, on the other hand, the discouragement of the Slave-trade is a still older and more cherished tradition. The Treaty with the United States, though it has little effect in restraining the Slave-trade, would probably be repudiated by South Carolina and Alabama; and even if it were expressly renewed, it might be afterwards denounced and terminated by a Government bent on the revival of the traffic. In the course of the arrangements which will be unavoidable, misunderstandings and jealousies are certain to occur, and it is highly probable that there will be differences with the North as well as with the South. The trade wind of commercial wants and interests will still bring cotton across the Atlantic, but the supply will be regarded as precarious, and the cotton will probably be dearer. It is to be regretted that Mr. COBDEN'S unauthorized demand of a Swiss mediation was as ineffectual as it was unexpected, irregular, officious, and odd.

#### MOMENTS OF TRANSITION.

**A**N official paper at Vienna has been instructed to account for the recent Ministerial changes by saying that, "in moments of transition, an impulse must be given "from above." In plain English, this means that a Government deserving of the name cannot afford to be passive when great questions are being decided. Conflicting interests and opinions are so nearly balanced in Austria that a very little may turn the scale, and the Cabinet of Vienna hopes to turn it in its own favour. The attitude of the Austrian Government contrasts, it must be allowed, very advantageously with that of the American Government, at a crisis not very dissimilar. It is very difficult to stay the progress of secession, and it is very difficult to reconcile the claims of Hungary with the conservation of the Empire; but it is something in favour of Austria that she is governed by men who know what they want, are determined to carry it out, and have a clear perception of the means they must employ. In both countries there probably lies hid a much greater desire to conciliate rival claims than the more violent partisans of disunion suffer to appear. But latent desires for conciliation do not come to much. They must be brought out by the agency of men who are bent on a policy that is at once definite and practicable. The very best symptom observable in the perilous condition of Austria is that she has plenty of men with spirit and resolution who are willing to come forward in times of difficulty. In the provinces, as in the capital, the best men, the most eminent men, the accepted leaders of parties are taking part in the political movement that is going on. Among all the curses that have fallen on her head, Austria has at least escaped the curse of being led by men whom nature intended for attorneys' clerks. The foremost statesmen of Austria, and not their underlings, are charged with the task of preparing, amending, or opposing, great measures of national reform. A pamphlet lately published at Paris, containing a reprint from an article in the *Correspondant*, gives a very instructive estimate of the chances which this impulse from above has of success, and of the men by whom it is being given. The pamphlet is, indeed, rabidly Austrian. It gives a history of the last ten years in Austria, in which no notice is taken of the Concordat. Prince SCHWARZENBERG is gently blamed for his excess of Liberalism, and the EMPEROR is described as having suffered a long agony of soul, from stern necessity having compelled him to deny his subjects freedom for so many years. There are, however, many passages in which considerable light is thrown on the state of things, not only in Austria, but in Hungary; and when the author keeps to facts, as to which he is evidently well informed, he is a very good guide.

Every day the telegraph brings news from Hungary that one

county declines to pay taxes until the Diet has imposed them, while another expresses a willingness to pay them as a temporary provision for the wants of the State. The Government appears to allow the counties to pass these resolutions with impunity, and to regard as open so very vital a question as that of the payment of taxes. This exceedingly anomalous state of things is explained by the position of the three great parties which divide Hungary. First of all, there is the Conservative party, headed by Counts SZECHEN and APPONYI and Baron VAY, which, while insisting on the recognition of the just claims of Hungary, holds as the first article of its creed the necessity of keeping the Austrian Empire together. Secondly, there is the party headed by Baron EÖRVÖS and M. DEAK, which rests on the exact construction of the legal rights of Hungary, and aims chiefly at seeing that everything is done within the limits of existing laws. Thirdly, there is the party which aims at a complete revolution and at separation from Austria. This party is not very numerous, and its leaders are mostly persons who are in connexion with the exiles in Paris and London. Few men of local importance, of territorial influence, or of high standing in the country belong to it. But, on the other hand, its chiefs are enthusiastic and adventurous; and a large portion of the lower orders leans to a party which offers to redress the personal indignities, the family sorrows, and private sufferings which Hungarians have sustained at the hands of Austria. The whole object of the Government at Vienna, the whole drift of the impulse that is being given from above, consists in the endeavour to reconcile the first two of these three parties, and to enable them to overawe the third without coming openly to a rupture with it. In order to effect this, the Government in the first place gives them liberty to work out the questions that immediately concern them in their own way. It permits some counties to stand on strict legal right, while others take the pressing needs of the Imperial Exchequer into consideration. Secondly, it asserts the existence of the Empire in every possible way. It brings home to the minds of friends and waverers that the Empire is a reality. An Archduke has been appointed President of the Cabinet, not because he was the best man to be there, but to remind the subjects of Austria that the Imperial family takes part in the government of the State. This policy is open to the objection that it exposes its authors to constant misinterpretation from all quarters; but it indisputably has the merit of being bold, and of tending to a definite result.

On the one great occasion when the Hungarian parties have had to come to a common action, complete concord prevailed. At the Conference of Gran all united in resolving that the electoral law of 1848 should govern the elections for the coming Diet. But this was agreed on expressly because that was the last electoral law passed in a constitutional way. Its terms were freely commented on and freely condemned. Objections were made to it that it recognised too many hereditary privileges, and that it placed the territorial franchise too low. It was only adopted because to have adopted any other electoral provision would have been illegal. This adherence to technical law was in entire accordance with the programme of the party headed by EÖRVÖS and DEAK, while the free criticism of the law itself, and the general turn of the debate, showed a strong desire to secure a freedom of future political action which would make a compromise with Austria possible. The Conference at Gran has restored Hungary to much the same position as it occupied before the violence of Kossuth and his partners broke up the ministry of BATTHYANI. Austria will in fact concede everything, so long as Hungary agrees to support the Empire with men and money. If the Hungarians insist on having a Diet absolutely independent of Imperial control, there is no hope of union; but the disposition to find a way in which the Diet can serve Imperial purposes seems so strong, that it may possibly override all opposition. The party which entrenches itself within the provisions of constitutional law can easily open a constitutional path to a compromise. The Government is trying to insure this by avoiding giving grounds for irritation, and at the same time by showing its confidence in itself and its fidelity to the policy of local independence and a central representation. A few months may prove that its efforts have been in vain; but at any rate those who compare what has been supposed to be an old decrepit State with one which has been supposed to be as vigorous as it is new, will find an energy and dignity in the rulers of the former which is strangely wanting in the rulers of the latter.

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## THE UNCOVENANTED CIVIL SERVICE IN INDIA.

EVERYBODY, we suppose, is aware that the Civil Service of India is divided into the Covenanted and Uncovenanted branches. The distinction between them is very much like the distinction between most aristocracies and democracies—that is, it is almost purely historical. Originally, the covenanted servants were the ordinary clerks for Indian employment of the great Company of Merchants in Leadenhall-street; the uncovenanted servants were the supernumeraries called in at a later date, fewer in number, and occupied with business of lower dignity than their covenanted fellows. It was not very long before the distinction, like most distinctions of the kind, began to justify itself by its very existence. The covenanted servants were a sample—taken much at random, it is true—from the upper middle class of England and the poorer gentry of Scotland; and, when their commercial duties in India were rapidly exchanged for the cares of empire, the energy natural to their nation, race, and order rendered them equal to their extraordinary responsibilities. During the last half-century, in spite of the anomalous machinery by which they were nominated, they might have sustained a comparison with the most carefully selected administrative services of Europe; nor, although they have by no means been devoid of the faults incidental to all bureaucracies, have they exhibited these peculiarities to the extent which might reasonably have been expected. An analogous, but much more recent, improvement has taken place among the uncovenanted servants. Few impartial critics will deny that, till lately, it would have been in the highest degree unwise to place the uncovenanted branch on an equality with the covenanted. It was always easy to point out that the only essential difference between the two was that the covenanted civilians received their appointments in England, and the uncovenanted servants in India; but, in fact, the more favoured order of officials had, by their very traditions and associations, become a class whose zeal was pretty nearly on a par with its artificial superiority. But twenty or thirty years ago, this relation of the two services began to alter. The Indian Government extended enormously the sphere of its administrative activity. New departments were created one after another, and as the class of covenanted servants was much too limited to supply incumbents for all the new posts, large numbers of uncovenanted officers were placed in situations of trust, influence, and dignity. The new department of Public Works, in particular, with all its numerous subdivisions, came to be almost entirely served by gentlemen who belonged conventionally to the lower order of civilians. This tendency of the employment of uncovenanted officials has been still further stimulated by late events, which have thinned the ranks of the covenanted Civil Service, both by the destruction they have caused and by the motives they have supplied for an early retirement. At the present moment, we believe that Lord CANNING has been forced by sheer want of hands to elevate many persons taken from the uncovenanted branch to situations not merely customarily filled by covenanted civilians, but even expressly reserved to them by the law.

It is not surprising, under these circumstances, that a Petition and Memorial from the uncovenanted service, setting forth its grievances, should have been circulated among members of Parliament. The new career recently opened to this part of the Indian official body has really improved its tone, called forth its vigour, and attracted to it a much larger proportion of talent and energy than it once included. Some of the uncovenanted civilians are really the equals, in point of ability, of even first-rate officials attached to the other branch; and, even if they were not so, they are, as a matter of fact, largely occupying public situations of precisely the same kind as those administered by the higher civilians. Naturally, they complain of distinctions which, as they believe, have ceased to correspond with any real difference of merit in the services. Their petition sets forth that, owing to rules and statutes of old date, their pay and pensions are much lower, and their position in reference to leave of absence and retirement extremely inferior to that of the covenanted branch. They now ask that this inequality may be redressed, and that the two divisions of the service may be fused into one, not only by their assimilation in point of emoluments, but by the repeal of all the enactments which reserve a certain class of offices to covenanted civilians.

In considering this claim, it is not necessary to enter into the invidious question whether the merits of the two services

are really as much on a par as the petitioners seem to suggest. In some papers which they have circulated, they state that the majority of the covenanted service do not object to the application of the principles contended for in the petition to uncovenanted servants of approved merit who are actually in important offices. Up to this point, the complainants will doubtless carry general sympathy with them. So far as circumstances have actually reduced the line which divides the services to a mere conventional boundary, it ought to be obliterated. But the suggestion that a reconstruction of the whole Indian administration ought to be effected on the footing of entirely equalizing covenanted and uncovenanted officials, introduces questions of the utmost difficulty. No doubt, if the appointment of the covenanted servants by the Directors had continued till the dethronement of the East India Company, it would have been difficult to resist the petitioners' claim. The monopoly of these appointments by a small number of families had created an hereditary service, which had the great merit of concentrating all its interests on India. When the Government was transferred to the Crown, this monopoly, had it continued till then, would have ceased *ipso facto*; and there would have been every reason for fusing the two branches as soon as the existing members of the service had died out. But the system of competition for Indian covenanted appointments has quite altered the case. We have no enthusiasm for the principle, but we have always allowed that the Indian competition stood on a different footing from other experiments of the sort, if only because the prizes are valuable enough to attract candidates of more than average power. The Indian examinations are really a mode—a mode, it is true, neither perfect nor infallible—by which a body of able men is selected from the middle classes in England while still in the flower of youth, and under such circumstances that they can have no possible object in view except the fulfilment of their duty to the Government of India. The experience of many centuries and countries seems to show that a distant dependency like India can only be equitably and, in the long run, honestly administered by officials reared in the mother country, and entirely devoted to that special avocation. Are these conditions fulfilled in any sense by the uncovenanted service?

How this numerous body is recruited has long been one of the mysteries of the Indian system to observers who have no personal knowledge of India. We believe that, so far as they are Europeans—and it is only the case of Europeans we are considering at present—they consist of gentlemen who go out to India with a letter of recommendation to the head of the Executive from some influential person in England, or who, finding themselves in India, contrive to make interest in powerful official quarters. In other words, they are a purely nominated service. But what paradox could be found more glaring than that the Indian administrative service should be composed of two classes equal in all respects, one consisting of persons appointed by competition in England, the other of persons nominated through interest in India? The uncovenanted officials express themselves as willing, we observe, to submit to all necessary tests, and doubtless a test-examination is sometimes fully equal to the purposes of a competitive trial; but then there must be some decent security that the persons nominated are taken from a field large enough to give a fair choice to the authority nominating them. But the Governors-General or the Governors of Madras and Bombay have no such field. The people who go out to India on the chance of obtaining an appointment must be a very limited and a rather singular class. Doubtless it occasionally includes very respectable and able men, but the permanent security for fitness which it offers to the public is the very smallest possible. That the GOVERNOR-GENERAL should have power to move a thoroughly proved uncovenanted servant into the covenanted service may possibly be a reasonable claim; but much better and more conclusive arguments than are employed in the petition before us are needed to show that a wise policy would counsel the complete assimilation of the two classes.

## THE BUSINESS OF PARLIAMENT.

THE two Houses of Parliament are perfectly competent to judge of the demand for improvement in their methods and machinery, but the Committees on Public Business which they have lately appointed are not likely to produce important results. The House of Lords is chiefly

obstructed in the transaction of business by causes beyond its control. Bills are sent up for its consideration too late in the session, and the few measures which originate in the Upper House are regarded with disfavour by the Commons. Lord REDESDALE pointed out a conclusive objection to Lord DERBY's proposal that Bills in progress should be taken up in a subsequent session. It is infinitely more desirable that reformers and innovators should have the opportunity of dropping in silence a movement which may have proved unpopular or inexpedient. An assembly which suffers principally from want of employment can scarcely improve its condition by rearranging the rare interruptions of its idleness. The Peers themselves might perhaps do something to raise the importance of their House if a moderate percentage of their number would condescend to come down four days in the week. Most of them have houses in town, horses and grooms; and five o'clock is not an inconvenient time for a short ride to Westminster. The House rises exactly in time to dress for dinner, and there are whole holidays on Wednesdays and Saturdays to diversify the devotional leisure of Sunday. Precedence, local importance, and innumerable social advantages amply remunerate a Peer for the time and trouble which he may bestow on the public service. Many members of the order are conscientious in the discharge of their duties as magistrates, proprietors, and provincial magnates; but for some unexplained reason it is unfashionable to attend regularly in the House of Lords. It is not too much to say that the power and privileges of the Upper House would be seriously endangered if the disreputable exhibition of empty benches were not practically concealed by the reporters. Six or seven members of the Government, three law Lords, Lord DERBY, Lord MALMESBURY, and half-a-dozen miscellaneous attendants might perhaps constitute an effective Committee; but as they are thinly scattered over a palatial hall, they form an absurd representative of a great legislative assembly. It is curious to observe the value which a Peer, unpractised in public business, habitually sets upon his time. If he were not in the House or a Committee-room, he would be riding in the Park or writing letters at his Club; and he cannot afford to waste the day in transacting affairs in which he has no interest, or in helping, by his presence in the House, to maintain an august illusion. The Committee now appointed might correct the mischief by recommending that a certain number of members should be present to make or to keep a House; but it is not likely that so unpalatable a plan should be urged on a body studious of its habitual ease.

The inconveniences which the House of Commons proposes to remedy are more complicated and serious. The Government never gets through the whole of its business in the session, and private members generally find it useless to assume an initiative in legislation. The speeches of statesmen are unnecessarily long, and those of pushing members are tiresomely frequent. A great part of the evil is obviously beyond the reach of any Committee or of the House itself. The business of the country is impeded for the same reason which causes the Strand to be choked—because there is so much traffic to accommodate. The plan of opening a collateral thoroughfare to relieve the pressure is not available in the political crush. The House of Commons, though it may allow some trifling alterations in its standing orders, has not the slightest intention of parting with its powers of legislation or of government. Lord GREY talks to the winds when he proposes that in the details of administration fuller confidence should be given to the Executive. Assemblies or individuals who aspire to sovereignty must pay the penalty of their ambition by submitting to the corresponding burdens. The estimates are in fact always passed in the form in which they are originally proposed, but the duty of criticism would become the monopoly of journalists if it were not concurrently discharged by independent members. *Quicquid agunt homines*, whatever is done by the English nation, is the proper subject-matter of the House of Commons. The office of looking after municipal regulations and *les affaires du pays* is good enough for a packed assembly of French nominees. If all occasional discussions on public affairs and on general policy could be suppressed, the House of Commons, after clearing its paper from the orders of the day, would feel that it had left the highest portion of its functions in abeyance. Under a system of standing orders virtually the same as the present, great debates, seventy or eighty years ago, were often conducted exclusively by three or four leading orators. It would be idle to urge on the present House the expediency of giving Lord PALMERSTON, Lord JOHN RUSSELL,

and Mr. DISRAELI a monopoly of its attention. The enormously long speeches of a few leading orators are by no means an unmixed waste of Parliamentary patience. The time would generally be occupied by less accomplished performers if it were not claimed by the principal speakers. Fifteen or twenty rivals for the Speaker's notice often subside in final disappointment, when a Secretary of State or ex-Minister intimates, by rising in his place, that the serious debate is about to commence. The dinner hour may as well be employed in experimental orations as in the idleness which would be the practical alternative.

Some check may perhaps be advantageously imposed on the miscellaneous discussions of Thursday or of Friday night; but the attempts of last session to curtail the privileges of private members produced no encouraging results. The topics which are irregularly urged on the attention of Ministers are often important in themselves, or interesting to some special class or constituency. A casual discussion not uncommonly removes misapprehension, and, in many cases, it saves the House from a formal motion, or from a Bill. If the history of a session is carefully studied, it will seldom be found that important measures have been abandoned merely in default of time to pass them. Last year's discussion would have been fatal to the Reform Bill, even if it had not thrown it into the middle of the summer. The Bankruptcy Bill was too long and too complicated to be passed on the first attempt, and one principal provision was honestly disapproved by a considerable section of the House. There is a limit to the intensive force applicable to annual business, as well as to its extensive magnitude. The Budget of 1860 exhausted the party discipline of the majority, and its political faith in its official leaders. Even if the session had lasted for six months longer, Mr. GLADSTONE would have found himself unable to carry another measure of similar importance. It will be impossible to provide by new regulations against weariness or disaffection, and it would be undignified to point a Standing Order against Mr. AYRTON or Mr. JAMES. The only recommendations which are likely to be useful will refer to minor matters, and they will be wholly uninteresting to politicians out of doors. If Mr. BASS will persevere in the path of public utility which he has struck out for himself, his periodical statistics of talk will probably have more influence than any Committee.

It is well that Parliament should, from time to time, be reminded of the conditions on which it holds unprecedented power. It is a grave mistake to suppose that steady and decorous legislation is the highest duty of an English House of Commons. A council of jurists would prepare with more scientific accuracy laws which might be effectually promulgated at the will of a despot. The House of Commons offers more impediments than facilities for the enactment of the code which ought at this moment to incorporate the abundant materials provided by judicial legislation. The triumph of free and representative Government is to be found in the practice rather than in the theory of law. Parliament may take credit to itself for the unquestioned purity of English Courts, and still more rightfully for the general conformity of public policy with national convictions and feelings. Open discussion would of itself form a powerful check on official perversity, but the expression of Parliamentary opinion acquires tenfold force from the fact that the tenure of power depends on the choice of the deliberative assembly. The supremacy of Parliament ultimately rests on the constitutional custom which entrusts the exercise of the Royal prerogative to a committee of members taken from the majority. The Cabinet represents the stronger party in the House of Commons, and it is forced to be on its guard against the vigilance of the minority. Standing Orders and internal regulations are beneficial as far as they tend to preserve the control over public affairs which has been gradually acquired and perfected. If the House degenerated into a tumultuous mob of quarrelsome declaimers, new fictions would be found in the Constitution to justify the transfer of its principal functions to the Crown. Acquiescence in the subordinate task of framing Poor Laws and Bankruptcy Bills would soon cause a withdrawal of general confidence. The censorship and the tribunate, the control of State functionaries and the defence of popular rights, originally belonged to the assembly which has gradually assumed through its chosen leaders all consular power at home and abroad. Internal reforms in its practice are periodically expedient or necessary; but it may be observed that those who are principally dissatisfied with its working are the

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useful and prejudiced members who prefer the passing of a Highway Bill to the determination of English policy in some great European crisis. Even if the Committee fails to suggest any useful innovation, a vigorous Minister will always be able to carry beneficial measures on which he has fully made up his mind after consulting the general opinion of the country. It is undoubtedly true that one House has too much to do while the other is insufficiently employed; but the Lords are helpless, and the possibility of improvement in the Commons is confined within narrow limits.

#### THE BANKRUPTCY BILL.

**I**T is not a mere paradox to say that Sir RICHARD BETHELL has improved his Bankruptcy Bill by making it worse. Last year we had a Bill framed consistently and consecutively, remodelling the whole code of bankruptcy and insolvency, and supplying a new machinery that promised to work more efficiently than any of the experimental systems which have served only to provide successive candidates for compensated retirement. With the exception of some rather wild provisions in its criminal enactments—all of which might easily have been amended—the old Bill had but one serious defect; and this, for sufficiently obvious reasons, is repeated in the Bill which has just been introduced, and could not be expunged from any measure which Parliament is expected to pass. We refer to the provisions which, in the cant of the day, are described as restoring the administration of a bankrupt's estate to the hands of his creditors. That the creditors among whom an estate is to be divided have, in some sense, the right to settle the mode of distribution, is true; but it is a mere fallacy to suppose that a mob of angry or compassionate creditors, as the case may be, can really exercise any efficient control over the conduct of what is generally a very complicated business. Every one knows what joint-stock management is. It is simply the despotism of a Board, tempered by the fear of a Committee of Inquiry. A joint-stock body of creditors will not be more successful in controlling their trustees than the proprietary of an ordinary company; and the change which is proposed would be more correctly described by calling it a transfer from official trustees, acting under the surveillance of a court of justice, hedged about by a variety of carefully devised checks, and guaranteed by substantial securities, to elected trustees, having in general special interests of their own, and subjected to scarcely any restraint beyond that which is supposed to be afforded by an official audit. It seems to have been forgotten by most of those who have clamoured for the restoration of the plenary powers of trade assignees, that the plan when tried grievously broke down, and that the negligence and peculation of private assignees created a clamour for official management quite as strong as, and much more reasonable than, the cry which has of late been raised for the restoration of the old system.

The commercial feeling in favour of a comparatively private dissection of bankrupt estates is, however, so decided, that it would be idle at this time to bring forward a measure of bankruptcy reform without conceding large powers to elected trustees, and this part of Sir RICHARD BETHELL's measure seems to have been framed rather as a concession to a popular demand than on any more elevated principle. Such safeguards as the case admits of are introduced into the Bill, but, monstrous as has been the remuneration of official assignees, we doubt much whether either economy or efficiency will be consulted by substituting for them an almost irresponsible, though elective agency. The most crying evil in the administration of bankruptcy has been the expense, and it has been assumed that under private arrangements a much larger percentage of an estate finds its way to the hands of each creditor. If this were so, there would be some reason for assimilating proceedings in bankruptcy to those under private compositions. But this is a mere delusion. The Bankruptcy Court, as the returns tell us, takes about 33 per cent. from the estates which are ground down in its mill. This is disgraceful enough, but the comparison between the machinery of the court and that of private arrangements cannot be fairly made by per-cent-age returns, and this for two reasons. One is, that all the rich estates are wound up privately, and it is the refuse which is sent to the Court of Bankruptcy. A more important consideration is, that the loss which is often brought upon fair creditors under composition deeds does not find its way into any percentage calculation. If a large proportion of the assets are

not got in, or if claims are admitted which would not bear investigation, the *bond fide* creditors suffer quite as much as if the same amount of money were squandered in expenses. The only difference is that they do not know what they lose, and if there is any advantage in this, the benefit will be reaped under the provisions of the proposed Bankruptcy law.

It would have been a more rational though a less popular course to diminish the expenses so justly complained of, by regulating the details of Bankruptcy administration, than by a sweeping change which will veil more mischief than it will remove. Some reformation of this kind, it is true, forms another part of the present Bill, though it is introduced in rather homeopathic measure; but even a small real saving is preferable to one which consists chiefly in disguising waste. As we have said, we ascribe these popular clauses wholly to pressure from without. It is possible that commercial men may believe in the economy of private arrangements, but the real desire is for privacy for its own sake, and the concessions which are made to this wish in the Government Bill were no doubt necessary to give it a chance of weathering the rocks and shoals which surround it in Parliament.

The other great principle of the Bill of last year was the removal of the distinction between traders and non-traders, and the abolition, or something equivalent to the abolition, of the machinery by which a debtor's prison was made the only avenue through which an insolvent desirous of making a fair distribution of his estate could meet his creditors. It will be remembered that the measure made shipwreck upon this clause; but we are glad to see that a principle the justice of which is beyond a doubt is re-asserted in the present Bill, though with some slight modifications which will perhaps avert any such needless panic as that which put an end to the Bankruptcy reform of last session. Perhaps the proposed administrative changes, which are more popular than wise, will enable the ATTORNEY-GENERAL to carry a reform in principle which is more wise than popular, and at any rate the Bill is not endangered by the adventurous disregard of Parliamentary prejudices which contributed to the former failure. A fragmentary collection of clauses to amend half-a-dozen existing Acts is less attractive as a work of legal art than an exhaustive code, but it is much more likely to pass. A bill of two hundred and fifty clauses may get through committee, when one of five hundred would be certain to stick fast, and no one will doubt the worldly wisdom of the ATTORNEY-GENERAL in consenting to mutilate his measure, and postpone for the present any attempt at consolidation.

There is one branch of Bankruptcy jurisdiction which it is extremely difficult to deal with, and in which the new Bill introduces some very important changes. Under the existing law, the civil and criminal functions of the Court of Bankruptcy are jumbled together in a most extraordinary way. It is very much a matter of chance whether the misdeeds of a fraudulent trader are punished or not. If any creditor is vindictive or righteously indignant, the bankrupt is duly opposed, and after undergoing a few days' examination may be turned out of the Court without protection and subjected to an almost indefinite term of incarceration at the instance of successive creditors. More commonly he escapes with no worse penalty than a second or third-class certificate. This answers all the same purpose as if it bore a first-class label, and from the caprice with which the classification has been applied, even the stigma supposed to be implied has ceased to be regarded. Two reforms are urgently needed—one, that the punishment or immunity of an offender should depend on the judgment of a competent tribunal rather than on the caprice of creditors; and the other, that the consequences of any misconduct which the Court thinks it right to visit, should be sufficiently serious to have some deterring influence. The Bill meets both these evils. It does away altogether with the classification of certificates, and it gives a criminal jurisdiction to the proposed Chief Judge over misconduct supposed to be not of sufficient gravity to justify an indictment, but still requiring the most stringent repression. The type of this class of offences is the familiar practice of trading on fictitious capital by means of accommodation bills. It would of course be impossible to make the acceptance of an accommodation bill a felony or a misdemeanour, but it is proposed to give the Chief Judge in Bankruptcy a discretion to inflict as much as a year's imprisonment upon traders who have been guilty of any very flagrant

abuse of such facilities for raising money. If these clauses should, in ever so slight a degree, check a practice which eats into the very heart of commerce, they will be among the most valuable provisions of the Bill; but it may be doubted whether Parliament will consent to give to a single judge the power of imprisoning even a fraudulent bankrupt for twelve months without the supposed safeguard of a trial by jury. It is true that a County Court judge can do something of the kind, and that private creditors exercise the privilege of imprisoning their debtors at their own caprice; but it would appease many uneasy doubts, without impairing the utility of the clause, if commercial irregularities which are to be subjected to punishment of this serious nature were required to be tried with the assistance of a jury. The difficulty of framing a definition of the offence, though considerable, ought not to be insuperable, and it would be a real misfortune if provisions which might be of the utmost value should be lost—as, in their present shape, they probably will be—from the reluctance of the Legislature to entrust a large measure of criminal jurisdiction to an unassisted judge.

#### MR. COBDEN AND THE TIMES.

**I**T is but fair to admit that circumstances might possibly occur under which the criticisms of the *Times* on the Glasgow subscription for Mr. COBDEN would be justifiable. If anybody is unlucky enough to have publicity given to his private affairs, and if his private affairs illustrate his public conduct, he must submit to see them used to point some of the morals of journalism. The offence in such cases is in betraying the secrets of private life, not in commenting on them when once revealed. If the supposed facts in Mr. COBDEN's history had been correctly stated and fairly come by, it would be unreasonable to complain of the inferences drawn by the *Times*. The story was, that a large sum of money had been subscribed after the repeal of the Corn-Laws to repair the losses in Mr. COBDEN's business occasioned by his exclusively political activity; that this money was embarked in unprofitable investments and virtually lost; that a second subscription was thereupon set on foot; that the new subscription was again wasted; and that a third attempt was now being made to restore Mr. COBDEN's pecuniary position. Everybody must have perceived the inevitable conclusion. The *Times* threw it into the form of an ironical contrast between Mr. COBDEN's statesmanship and his private shiftlessness; but, as there can be no real inconsistencies in human nature, the apparent paradox of course implied that the French Treaty was a stroke of business about as prudent as the investment in Illinois Centrals. It is plain, however, that the impressiveness of the account depended on the truth of all its parts, and that even if the account had been entirely true, the *Times*, which made public the last passage in it, was bound to justify the publication. On both points, the *Times* proves to have been in the wrong. It does not appear that the promoters of the Glasgow subscription recommended it on the ground that Mr. COBDEN had sustained any recent pecuniary losses. They merely wished to express their sense of his latest services to British commerce. This being so, the most important link in the *Times'* chain is gone, and the inference which hung from it disappears. The first two subscriptions for Mr. COBDEN prove little or nothing, for nobody who remembers the Anti-Corn-Law agitation can doubt that the part taken in it by Mr. COBDEN was really incompatible with ordinary attention to business; and as for the investment in the Illinois railroad, it illustrates another failing of Mr. COBDEN's rather than his wastefulness—his overweening trust in all things American. The reasoning of the *Times* is therefore unjustifiable, and its conduct in publishing the Glasgow document, we are constrained to say, is still less excusable. The authors of the circular expressly called attention to its being a private paper. They actually declared they would not call in the aid of the press, not meaning (as the *Times* strangely suggests) that they deprecated its criticisms, but obviously intimating that they did not intend to advertise or request the insertion of paragraphs. Such slips against propriety as this are the more to be protested against because the appetite for gossip is a growing vice of the day. The correspondents of provincial newspapers are only restrained by their ignorance from describing what the statesmen they describe had for dinner the day before yesterday; and the wills of the obscurest persons are as regularly published as the telegrams of Mr. REUTER. Living in a day in which the leader of one of the

great political parties is a writer who obtained celebrity by constructing in his novels an imaginary private life for the politicians whom he happened to dislike, we are bound to struggle with all our force against a tendency which threatens to bring us to the state of things indicated by Mr. DICKENS's description of the newsboys' cry in New York, "Read the *New York Seven!* For only two cents, a full and particular account of a crime committed by the Secretary of State in his nursery, obtained, at a great expense, from his nurse!" It is only just to add that such indiscretions are anything but characteristic of the *Times*. That is not exactly the quarter in which we should have looked for the earliest symptoms of the Americanization of the press.

Disapproval of the mode in which publicity has been given to the latest of these subscriptions for Mr. COBDEN must not be understood to imply approval of the subscriptions themselves. Now that they are matter of general knowledge, we must be permitted to say that they appear to us of the very worst example. It would indeed be monstrous to cast a doubt on Mr. COBDEN's purity. Among all our public men there is none of whom it may be asserted with greater confidence that he joined in the great movements in which he took part with no hope of ulterior reward. But it is a grave question what may be the effect of these precedents on men of less assured single-mindedness and simplicity of character. The manufacturers of Manchester, Rochdale, Bradford, or Glasgow openly avow that they contribute to the fund for Mr. COBDEN because he has extended their commerce and increased their profits. If this be so, it is most difficult to draw the line between these subscriptions and the sums of money which, in the early days of Parliamentary history, great Corporations, like the Bank of England or East India Company, used to vote to influential politicians who had aided them in obtaining a charter or securing an extension of privileges. It will of course be said that Mr. COBDEN's exertions have benefited the whole community as well as the spinners and printers; but the plea is as good for one case as for the other, since the great majority of our ancestors undoubtedly thought there was no better mode of developing and encouraging trade than the establishment of a great chartered association. The practice would probably be more recognised than it is as pernicious if rising objections were not silenced by the example of the collections for PITT and FOX. But the whole nature of public life has altered since the later years of the last century. The vice of the generation of politicians who preceded PITT and FOX had been unbounded speculation in public office; and, indeed, the exceedingly comfortable fortunes which even minor officials seem to have accumulated under PITT and CASTLEREAGH are still one of the mysteries of recent history. To the witnesses of general official corruption and covetousness free-handed extravagance seemed almost a virtue. The true secret of the leniency with which his contemporaries judged the scandalous prodigality of CHARLES FOX was no doubt the feeling that it was the antithesis of official cupidity. When his followers almost boasted of his debts, and subscribed to pay them, they meant to point out that he was not as his father had been, or DODDINGTON, or RIGBY. The utter carelessness of his great rival about his private expenditure was regarded in the same way as something like a moral perfection; and, when he died insolvent, the first thought of everybody was admiration for the purity of the man who had negotiated more loans than any preceding Minister, and had had all the Nabobs at his feet. But to appeal to such examples at present is the merest anachronism. Let Mr. WHITE say what he pleases, public life is not profitable to those who take its legitimate emoluments, and illicit gains are unknown. The immorality which was once rampant in the official world has changed its sphere, and perhaps may be found to have taken refuge in the world of commerce. It is infinitely easier to amass a million by forging trademarks, infringing patents, staggering with accommodation bills, or supplying short lengths and inferior qualities, than to scrape together a thousand pounds by the most unscrupulous prostitution of office or vote. If public men of influence once take it for granted that any monied interest which has incidentally been benefited by their exertions may reward them in hard cash, on the pretext of public gratitude, we may find that the Walpolian era is not so inexplicable as we have been accustomed to suppose it.

Some of the censors of the *Times* have accused it of trying to shut the door of Parliament against men of small means,

and we may possibly be answered with the same imputation. We can only reply that the exclusion of poor men from the councils of the nation seems to us a less evil than the conversion of poverty into opulence by subscriptions of the kind we have been condemning. Rather than allow the qualification of riches to be obtained by so doubtful an expedient, it would be better to engraft Payment of Members on the next Reform Bill, and so concede one more point of the Charter.

#### M. CASIMIR PERIER ON FRENCH FINANCE.

**I**F there is any truth in the received maxim of French Ministers, that the most moderate writers are the most formidable critics, M. CASIMIR PERIER's pamphlet on the finances of the Empire will be felt as a serious blow to the Imperial system. With as much calmness as if he were not hovering on the limits of forbidden ground, and with an exactitude which will defy all attempts at contradiction, M. CASIMIR PERIER lays bare the true condition of the French finances. His pamphlet contains not a word of indecorous comment, but the quiet contrast between the financial arrangements of the present and the past is more telling than the most effective denunciation of Imperial extravagance. The position which he takes up is one which seems to an English reader to need no defence—that the free control of the representatives of the nation is the only guarantee of sound finance. The progress of the French debt and the growth of successive budgets are all the evidences adduced, but they are amply sufficient.

During the reign of the First NAPOLEON, France remained comparatively free from debt. It was the policy of the great spoiler of Europe to make the countries which he overran pay for the vast establishments by which French power was maintained. Another reason is pointedly added by M. PERIER. "L'Empire s'est peu servi du crédit ; il n'en aimait pas l'usage ; il n'en pratiquait pas les deux conditions essentielles, l'exactitude et la bonne foi." Whether from want of credit or from abundance of plunder, the First Empire scarcely added anything to the 2,500,000. which formed the modest annual charge of the French debt when NAPOLEON mounted the throne. The fall of the Empire saddled the new Government with obligations which more than doubled the amount of rentes inscribed ; and at the Revolution of 1830, which M. PERIER takes as the starting-point of his comparisons, France was burdened with an annual charge of between six and seven millions sterling, being as nearly as possible one quarter of the interest payable on the National Debt of England. From this epoch, three periods bring us to the present time. Eighteen years of constitutional government added to the funded debt no greater amount than was represented by an annual payment of half a million sterling, while twelve subsequent years—four of the Republic and eight of the Empire—have increased the charge by five millions and a half. The French debt is now nearly two-thirds as large as our own ; and if the same rate of progress continues, ten or a dozen years will almost equalize the fixed burdens of Great Britain and France. It would be idle to guess at the relative capacities of the two countries for supporting this heavy load of debt. The actual revenue of France does not fall short of our own, but the statistics of trade and the price of Government securities seem to show that our neighbours are already far more heavily burdened in proportion to their wealth than we are with our 800,000,000. of funded debt. However this may be, the peculiar feature of Imperial finance is the steady increase of the debt at the average rate of 10,000,000. a year during a period which has not included a larger proportion of years of war than may fairly be expected so long as the Imperial system remains in force. The end of this may be easily foreseen, though France is probably strong enough to hold out for some years to come before the inevitable collapse of her finances.

The constant increase of expenditure (without reckoning in the cost of occasional wars) is almost an essential condition of national progress. Our own Budgets have advanced, during the last thirty years, with an irresistible march which Mr. GLADSTONE himself is powerless to check. The same phenomenon in France may be plausibly, and to some extent truly, accounted for on the same principle. But an increase of 14,000,000. per annum during the few years of the Empire is sufficiently startling, while even these figures fail to convey the whole truth, because the actual expenditure has of late years invariably exceeded

the amount voted by several millions. To foreigners, the possible consequences of this prodigality are perhaps the most interesting subject of speculation, but M. PERIER, true to the main object of his pamphlet, leaves the future to itself, and is content that the facts themselves should illustrate the causes to which they are due, and strengthen his argument in favour of Parliamentary government.

It is a common complaint with us that Parliamentary control has come to mean a control upon the parsimony rather than upon the extravagance of Government. But the contrast between the constitutional and the despotic systems in France goes far to restore one's admiration for Parliamentary rule, even in matters of finance. Nominally, of course, every French budget is voted by the representatives of the people ; but even if the Legislative Body were more independent in feeling than it is, the ingenious regulations of the Imperial constitution would render any attempt to meddle with the finances utterly futile. An absolute veto is practically useless as a constitutional weapon, and though the Corps Legislatif may, in theory, refuse to vote the EMPEROR's budget, it has no power of altering a single item. Even if the privilege of voting amendments, which M. CASIMIR PERIER demands, were conceded, it would be nugatory, both in theory and in practice, while the Government retains, by the terms of the Constitution itself, the power of transferring credits at its pleasure, and invariably avails itself of the right to add whatever it thinks fit in the shape of extraordinary and supplementary credits. Whatever other results may ultimately be developed out of the decree of the 24th of November, the helplessness of the French Legislature in matters of finance will remain without alteration. Probably, the last boon which the EMPEROR would offer, if he were never so madly bent on crowning the edifice of liberty, would be that power over the purse which the Constitutionalists of France so justly appreciate and so vainly hope for. Such a concession would perhaps galvanize into real life an assembly which is returned by loyal prefects. Servile as it has been on almost all occasions, it is remarkable that the French Legislature has always shown a strong desire to be invested with something more than a mock authority in matters of finance. Scarcely a single Budget Commission has reported without criticising with more or less severity the practice of decreeing supplementary credits which render the preliminary Budget little else than a mockery. The first exposition of Imperial finance, in the year 1853, laid down the principle that the function of the representatives of the people was to fix the total sum which should be allowed for the service of the State—that the amount so voted was to be appropriated by the Government to such purposes as it pleased—and that in return for this privilege of transferring credits at will from one department to another, the supplementary credits which had been so freely used by previous Governments would be unknown under the Imperial rule. The extent to which this pledge has been redeemed is perhaps as great as could rationally have been expected from a substantially absolute Government. The annual additions to the budgets voted have been on an average more than 13,000,000., while the corresponding amounts of extraordinary credits during the Constitutional period were not more than one-fourth as large.

To pursue the figures into greater detail would be only to accumulate needless proofs of the obvious fact that a military despotism neither can nor will subject its expenditure to any kind of control. Successive Commissions have in vain reminded the EMPEROR of the principles of finance which he himself announced. On one occasion, a formal demand was made, that the right exercised by the Government of appropriating the votes to such purposes as it thought fit should bear the promised fruits in the discontinuance of supplementary credits ; and the same chord is struck with more or less vigour in every successive year. Such demands could not but be in vain ; but the fact that they have been repeatedly made is a good omen for those who are anxious to use the recent concessions of the EMPEROR as the means of awakening some sense of independence in the body which is supposed to represent the people of France.

#### FACTS.

**L**ORD JOHN RUSSELL, a few nights ago, obtained a very considerable success by very simple machinery. Mr. Disraeli had given vent to some of those general propositions—half platitudes, half fanciful assumptions—in which he delights, and hoped to entangle the Foreign Secretary in the network of sweeping assertions as to the right of intervention. Lord John

Russell replied that sweeping assertions were of no use on such a subject, and that each case must be judged on its own merits. What happened to be particularly applicable to the general propositions of Mr. Disraeli may be applied very widely. We cannot get too much into the habit of recalling assertions to the region of positive facts. We cannot too pertinaciously ask ourselves whether theories are, after all, borne out by definite evidence. Mr. Disraeli's old political novels, for instance, were not only amusing, but they had a plausible air of communicating truths until they were tested by an examination into the truth of the assumptions on which they rested. Young England was perceived to be a mere figment of fine writing when the society which it contemplated as existing was confronted with the society that actually existed in England. But although the examination into facts is the great condition of all right conduct and sound opinion, it will never be popular with mankind. It is far from a natural process to most minds; and it is only by severe self-control that we can bring ourselves to care for facts. It saves very much trouble to take a side, and there are two great reasons why, on general grounds, constant inquiry seems a dangerous habit. In the first place, it may be said that unless we take assertions on trust we shall have so many doubts and difficulties to solve before we accept any proposition, that human life would not suffice to bring us to any useful result. Secondly, it may also be said that the mind advances not only by inquiry into truth, but by having its fancy awakened and its sympathies enlisted. We are not only reasoning beings, but beings with imaginations and hearts. Indolence catches at so happy an excuse for itself as the hope that it is gaining a victory for the heart over the head. And if the investigation of facts is seldom pleasant to oneself, it is still more seldom pleasant to other people. The patient and just man is apt to be disliked and thought a bore. Human nature loves partisanship and inconsiderate pugnacity. It detests qualifications, guarded admissions, and, above all, suspension of opinion; and as these are the conclusions to which a rigid examination of facts most frequently leads us, it is not wonderful that their examination should be held in disfavour.

It is perfectly true that it is highly undesirable both that every one should inquire accurately into facts, and that the inquiry should be prosecuted vigorously as to every subject and at all times. It would be absurd, for example, to say that all persons to whom the Gospel is preached ought to balance the evidences of the Christian religion; and it would be equally contrary to all experience to deny that religious growth demands that, from time to time, inquiry of all kinds should be consciously and voluntarily laid aside. We must also trust authors in whom we have a general confidence, and may follow them through the course of their narrative, or through the exposition of their opinions, without continually putting them to the proof. If we are reading Lord Macaulay's Essays on Indian History, we may enjoy the story and the brilliancy of the description, and need not refuse to accept every paragraph until we have sifted the evidence on which it rests. Most of us would otherwise not accept any paragraphs at all; and knowledge could not advance unless we took a large portion of it at second-hand. But what is necessary to all those who have to form opinions that will sustain examination is, that the habit of their mind should be to inquire into facts, to take nothing for proved, to see accurately what is meant to be said, and how it is supported. Most men who exercise their intellect at all have some subjects which they make especially their own, and these subjects are only valuable so far as they rest on a definite basis. If a person selects theology, or history, or jurisprudence as his particular path of study, he cannot make any progress unless he discovers, to the best of his ability, what it is that he wants to prove and how he proves it. In the more important actions of daily life it is obviously a duty to inquire into facts; and, in theory at least, this duty is generally recognised. If a benevolent man relieves a poor neighbour, he would have a secret conviction of his own folly unless he had made inquiries into the details of the case. And there is also a wide field not within the domain of studious research nor of individual action, but familiar enough to persons accustomed to the machinery of a free State, which calls forth a large amount of practical action and of positive opinion. Current politics belong to this sphere, and here a vigilant inquiry into facts is the one royal road to accuracy of judgment. We hear, for example, the statement made that the Poor-law has broken down this winter. This statement has no meaning or force, or at least ought to have none, until we examine it rigorously and test it by facts. We have to ask where it has broken down? for how long and to what extent? what it was that broke down, and what is the meaning of the term breaking down in this instance? Unless we go through this process we flutter about in the limbo of vague declamation. We are only uttering or repeating words which have no meaning to us, but as to which the most we can feel is that we wish they had a meaning, and rather suspect that a meaning might be given them if sufficient pains were taken.

It would be pedantic to say that, for the purpose of inquiry into matters of common life or of scientific study, a legal education was necessary; but it is obvious that a legal training aims at giving, with reference to a special subject, habits and principles of investigation which are susceptible of being applied very widely. In all inquiries into facts, we have to see, first, what is stated, and, secondly, how it is proved. The English law, with all its defects, has been singularly successful in bringing litigants to precise statements, and the mode by which an issue is arrived

at is substantially the mode by which the propositions into the truth of which an inquiry is to be made are reduced into a precise form. It is most useful, when we are reading a book of vague thought with which we are half inclined to agree, but which we yet suspect cannot be more than half true, to set before ourselves the exact proposition of the author and to arrive at it by the steps adopted in civil pleading. We adopt this process unconsciously if we are in earnest and inclined to take the trouble. First of all, there is the general drift of the author's remarks, which, if the author is worth anything, shapes itself with some distinctness to our minds. We then see the obvious objections to which it is open. Next we see how far these objections are admitted or explained away. Thus we at last arrive at the main proposition, subject to all the limitations with which the author has guarded it. Pleading can take us no further, and we begin to inquire into evidence. The niceties of the law of evidence are generally out of place, but there are certain questions as to the evidence submitted to us which we may very conveniently clothe in a technical shape. We may ask ourselves whether the fact to be proved is itself testified to, or whether other facts are testified to from which we are asked to infer the main fact. We may ask whether evidence is primary or secondary, whether it is at first or at second hand. We may ask whether, at any stage, any of those limitations present themselves which, like legal presumptions, shut out further inquiry either totally or unless under exceptional circumstances. Law furnishes us with the method of doing this, but law, so far as it is valuable, is merely an aggregate of rules dictated by common sense, experience, and tradition, and the law of evidence may be put in practice by a person who has never heard of it. A knowledge of pleading and of the technical rules of evidence serves a purpose very like that answered by the knowledge of logic. Just as logic shows what are the laws of thought, or affords a convenient system and nomenclature for classifying the operations of the reasoning intellect, technical law teaches us how, in examining into facts, we must necessarily proceed if we are to arrive at truth, and furnishes us with rules for making the inquiry. And yet men can reason without logic, as M. Jourdain could talk prose without knowing it. It is by no means indispensable for critics to have had a legal training, but it is the greatest of all possible advantages.

The mind, however, is so constituted that what we have done a few times laboriously and consciously, we subsequently perform instinctively and without trouble; and even where we do not apply the power we may have acquired, we have a latent sense that we could apply it if we pleased, and thus we receive unexamined assertions under a sort of protest. A history like Lord Macaulay's is, we are aware, liable to adverse criticism, not only in minute details, but in its treatment of important subjects. Without, therefore, feeling ourselves bound to say where or why we doubt, we tacitly reserve to ourselves an unexercised right of doubting where we please. But we arrive at the sense of this right slowly, painfully, and by degrees, and must have actually exercised the right of doubting on some subjects in order to perceive its existence with regard to others as to which it is comparatively latent. It must not, however, be supposed that every assertion or opinion can be profitably submitted to strict inquiry. Genius sometimes dispenses with distinct reasons, and leaps to a result by a process which its owner could not trace himself. The consideration of very many kindred facts also suggests general views as to detached groups of facts which properly influence the mode in which these detached groups are regarded; and we cannot always show that the general view is untrue by inquiry into the evidence on which the existence of these subordinate facts rests. An author, for example, spends a long time in reading all the writings and weighing all the acts of one particular man. Actuated by this general impression, he gives a new rendering of certain passages in his hero's life. If, by examining into the evidence from which the account of these passages is drawn, we can show that the author's view of them is erroneous, we must not suppose that we show that his general conception of the man's character is erroneous. Nor, on the other hand, from the truth of the view he takes on any one set of subordinate facts, ought we to conclude that his general view is true. These positions may seem simple, but the neglect practically to apply them lies at the bottom of much second-rate criticism. It must be observed that the criticism we speak of is second-rate, and not altogether bad. For every acquisition of truth is valuable, and if our knowledge of minor facts is made greater we owe a debt to the critic. It is always something that a man should be right as far as he goes. If, for example, a reader of Mr. Carlyle's *Cromwell* shows that his account of any part of Cromwell's life is erroneous, that does not necessarily show that Mr. Carlyle's general conception of Cromwell's character is wrong, although this is often taken to be the legitimate result of such disputations. Nor, on the other hand, if any statement of contested facts in Cromwell's life is shown to be rightly given by Mr. Carlyle, does this show that Mr. Carlyle's *Cromwell* ever lived on earth. Either demonstration goes some way, but it may very possibly go a very short way; and yet nothing is more common than for critics to think that their investigation of any one group of minute facts confirms or upsets the general views of the author whom they criticise.

Criticism, however, would be at an end if it were obliged passively to allow that genius may leap at will from facts that can be proved or disproved to conclusions that are beyond inquiry. That this sometimes takes place is true, and that there is a

sufficient any one everything we must often inquiry in fact, not possible men of confessed be tested from other the facts with the conclusion they are embracing having a confident importation have come that the truly position best God. In order do better the two Here, upon such an the best conscious our guard do not t

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sufficient probability or possibility of its having taken place in any one instance to make a tribute of cautious respect due to everything that drops from the lips of genius, is also true. But we must be on our guard against the dogmatism of genius, which is often wrong if it is sometimes right. In the first place, the inquiry into minute facts belongs to common sense and practical tact, not to genius, and it is highly serviceable that the greatest possible number of the subordinate propositions that are made by men of genius should be accurately tested. The conclusions that confessedly lie beyond the region of examination into details must be tested by being confronted with other conclusions, deduced from other cognate groups of facts, and it must be seen whether the facts of the subject-matter inquired into are not consistent with these adverse or divergent conclusions, as well as with the conclusions which the man of genius has happened to draw. If they are, then the large area of discussion is opened which embraces the examination which of two general conclusions, each having a *prima facie* title to respect, is entitled to the greater confidence, and harmonizes with the more numerous and more important facts? From the facts of history, for example, which have come under his notice, Mr. Carlyle deduces the conclusion that the best of all Governments is that where a despotism of the truly wise and able man rules everybody. A contrary proposition, also drawn from the facts of history, maintains that the best Government is that in which most is left to the individual. In order to test whether Mr. Carlyle is right or wrong, we cannot do better than take these counter hypotheses, and see which of the two meets most satisfactorily the greatest number of facts. Here, again, it is only occasionally that we can hope to conduct such an inquiry satisfactorily; but if we do it once or twice to the best of our abilities, our recollection of the process, and our consciousness of the ability to repeat it, will practically put us on our guard, and provide us with a trustworthy clue, even when we do not think fit to pursue so laborious an examination.

## THE TIMES ON "GOTHIC AND CLASSIC."

THERE is no style of logic so practically effective as that which Lord Macaulay attributes to King James II. Say what you have to say boldly; never mind what people say in answer to it; never mind your misstatements being exposed or your fallacies being unravelled. When your adversary has done, say it again yet more boldly than you did at first. This logic of reiteration, when practised vigorously, habitually, and impudently, is almost as irresistible as the logic of facts in the mouth of an emperor commanding half a million of bayonets. To argue implies weakness—it implies that you recognise at least the possibility of some different views being taken. There is something apologetic and self-distrustful about the process of defending your opinions. The man who argues is not thoroughly confident—perhaps not thoroughly sincere. Then his arguments are so subtle—it is so hard to follow them. You often have really to think for a minute or two to see what he means; and who would undergo the trouble of thinking a minute longer than he can help? Reasoning—above all, reasoning from special information—is so unpractical, so technical, you cannot be certain that it is not all mere special pleading. Very likely the reasoner himself does not believe his own reasonings. Perhaps he has some interest in taking you in—perhaps he is merely amusing himself by exercising his ingenuity at your expense. Yes, argument is poor weak stuff. It is all very well for lawyers who are paid for it, and for scholars who have got nothing better to do; but for the practical mind there is nothing like good bold, blustering assertion. Speak out bravely, and people will take for granted that you mean what you say, and that you know all about it. Speak out yet more bravely when your adversary has finished his argument. Don't degrade yourself to his level by answering his reasonings. Pass them by boldly as "beneath contempt," and people will take for granted that you do not answer them simply because they are not worth answering.

In this style of logic there is certainly no proficient so great as the *Times*, and never did the *Times* display it more vigorously and more ingeniously than in its article of Tuesday last about St. Paul's Cathedral. The writer seeks to extol and recommend to public liberality the restorations and embellishments of what (in apparent ignorance of the existence of Canterbury and York) he thinks good to call "the metropolitan Cathedral." In so doing, he takes the opportunity to go out of his way to give a rap at "Medievalists," and at the employment of Gothic architecture for secular purposes. There is no sort of natural connexion between the two subjects. No "Medievalist" has ever come forward to object to the decoration of St. Paul's, or to say that St. Paul's is other than a grand and noble building. No one ever proposed to Gothicize it as it stands, or to pull it down and replace it by a Gothic building. The thing is done incidentally, and in a wonderfully ingenious way. The *Times* shows nothing of the vulgar and stupid ignorance with which the subject has often been approached in inferior papers. It even demolishes one or two fallacies of other people before it goes on to set forth its own fallacies. But when it does come to set them forth, it does it in the true style of King James. Assertions which have been refuted over and over again are repeated with that calm confidence which the writer knows is sure to impose on his readers. He makes admissions which utterly upset his whole position, but he knows that his admissions

will attract many who will never perceive the contradiction. He makes statements of fact which he must know not to be true, but, because they are made boldly, he knows that many people will believe them. The article, in short, is not meant for the mere vulgar on the one hand, or for really well-informed people on the other. The one class would not understand it, and the other class can see through it. The *Times* knows its vantage-ground, and uses it. It is very easy to answer the *Times* on most subjects; but then those who believe the *Times* either do not see or do not appreciate the answer. The *Times* writes, on this as on other matters, to that large and comfortable class who know a little of facts, but do not know much, and who—easy, complying, mutable souls—form their successive judgments upon the same facts according to the successive oracles of the deity of Printing-house-square.

Let us first see what the *Times* admits. The *Times* does not think that Gothic architecture is *ipso facto* Popish, nor does it assert, with Mr. Spurgeon, that Gothic architecture was invented by the devil. It allows that Popery and Protestantism have really nothing to do with the question. It allows that ecclesiastical architecture has degenerated since the Renaissance. It admits, nay, it enlarges and waxes eloquent on the fitness of Gothic architecture for churches. It even goes so far as to say that "we are hardly tolerant of a church which is not medieval." It asserts, and rejoices in the assertion, that "all over the world people do build Gothic churches." We suppose the *Times* would count us among "Medievalists," but this last is really too much for us. We suppose that the *Times*'s world would include Italy and Greece. Now, certainly we should be exceedingly sorry to see a Gothic church built either in Greece or in Italy. Let Teutonic countries stick to their own Teutonic style; but where other forms are native—above all, such noble and historical forms as those of Lombard and Byzantine architecture—we should thoroughly deplore any exotic intrusion of the art of England, Germany, France, or Aquitaine.

The *Times*, in short, has reached that stage which approves of Gothic as an ecclesiastical style, but mocks at it as a style for secular purposes. This is just the stage which one would beforehand have expected that the *Times* would reach. Thirty or forty years back, the *Times* would have mocked at the notion of a Gothic church; thirty or forty years hence, the *Times* will very likely mock at the notion of any but a Gothic house. The position of the *Times* is one eminently irrational and inconsistent, but then it is the position which is reached by just that class of people for whom the *Times* writes. The *Times* is much too wise to support its position by anything like reasoning; it takes the far easier and far grander line of appealing to "accomplished facts." "Medievalists," it tells us, "are very scornful at the notion of the architecture which is suited for churches not being equally suited for private houses, yet there is the fact that all over the world people do build Gothic churches and do not build Gothic houses." Now the *Times*'s fact is a very doubtful one. The new Museum at Oxford, the Town-hall at Hamburg, the Parliament-house at Ottawa, and a vast number of smaller public and private buildings "all over the world," are something like "an accomplished fact" the other way. Still there is just that amount of truth in the *Times*'s assertion which we should expect to find in any assertion of the *Times*. It is a broad, easy, popular exaggeration, fully to expose whose falsehood would require a few moments' thought. The truth is, that we are in a transition state. Gothic architecture has triumphed in the ecclesiastical department; on the secular department it is only now making its attack, and, of course, it meets with a vigorous resistance. The causes why Gothic architecture carried the churches before the houses have been explained over and over again, both in our own columns and elsewhere. We are really tired of repeating them; but the chief one is the frequency of old Gothic churches, and the comparative rarity, in England at least, of old Gothic houses. To be sure, there are positively a good many of them, but the popular mind will call every dining-hall with pointed windows a chapel, and will set down every house with stone mullions as the residence of a monk. People think that a Gothic house means a house like a church, and of course common sense does kick at the prospect of such a dwelling-place as that. The fact is, that the opposition to Gothic architecture *in toto* is far more respectable and consistent than the middle ground taken by the *Times*. If a man thinks that Gothic architecture will really carry him to the Pope or the Devil, he does quite right not to build in it. If a man thinks Gothic architecture ugly, barbarous, inconvenient, he does quite right not to build in it. So thought the men of the last century, and they acted consistently upon their own principle, by carrying the forms of what has been called "Borgia" architecture into their churches as well as their houses. The intermediate position of the *Times* is no standing-ground at all. It rests on no sort of principle, on no sort of taste, but simply on a piece of ignorant prejudice.

The inconsistency of the *Times*, indeed, is perfectly ludicrous. The writer begins by talking of "great cathedrals, with their solemnity and grandeur," tall shafts, stained glass, &c. &c., in a most admiring way, and says, truly enough, that, so far as the art of producing such buildings is lost, it is lost by Catholics no less than by Protestants. But, on the whole, the loss is a gain; it was part of a general change called the Renaissance, and that "that change has been of inestimable benefit to the world in

general will be doubted only by a few religious or artistic fanatics." He then continues:—

There have been men in England, within the last five-and-twenty years, who have gravely maintained the superiority of the monkish Latin hymns to the odes of Horace, who have placed the faith and traditions of the middle ages far above our modern freedom and knowledge, and who now, in spite of the most monstrous failures, are eager to Gothicize our public buildings, and even our dwelling-houses. But the efforts of this school, however great the ability of some of its members, will have but little permanent effect on the opinion and tastes of the community. The tendency of our civilization, and that of the nations which are becoming every day more closely associated, is towards the development of those styles of architecture which, originally taken from Classic models, have been reproduced, with various modifications, throughout Europe since the sixteenth century.

If all this is true, nothing can be more wicked or retrograde than to build a Gothic church. But not a bit of it. Now the Thunderer turns on his axis. He not only admires old Gothic churches, he fully approves of building new ones. Gothic architecture is "attractive to the devotional sentiment;" it "harmonizes so wonderfully with our conceptions of an ecclesiastical edifice, that we are hardly tolerant of a church which is not mediæval." Addison was more consistent. He despised the Middle Ages, he despised their architecture, and talked of the "meanness of manner" which was the cause of the little effect which the interior of a Gothic cathedral had on anybody. The *Times*, too, despises the Middle Ages. It thinks their architecture unsuited to the tendency of our times, and yet goes on to applaud its employment for one large and important class of buildings. The *Times*, we all know, has full license to contradict one week what it said the week before; but here it establishes a position and pulls it down in the space of a single paragraph. Another wonderful piece of inconsistency is to be found in these words:—"The reinstatement of Gothic architecture, *at least in its Northern forms*, is a fancy which the good sense of the world rejects." The words in Italics are put in to mollify Mr. Ruskin and his followers. The *Times* will not stand English, French, or German Gothic—it may possibly stand Italian Gothic. Now, why? We will not enter at present into the question between Northern and Southern Gothic. It is enough for our purpose that Italian Gothic is Gothic, or at least tries to be Gothic—that it is just as much a mediæval product as Northern Gothic, and was just as utterly swept away by the *Renaissance*. If we are to stick to "classic models," Venetian Gothic is as completely forbidden as Somersetshire Perpendicular. We suspect Mr. Tite or Lord Palmerston would look upon Italian Gothic with as little favour as on English Gothic. But the *Times* puts in a salvo in favour of the Southern variety, thereby inflicting another deadly wound on its own position.

The insinuation that the preference of Gothic architecture for secular buildings is connected with some supposed "mediæval" party, is a base slander, which has been refuted over and over again, but which the *Times* is not ashamed to repeat. Does the *Times* believe that Lord Elcho and Mr. Pease meet to sing "monkish Latin hymns?" Are Mr. Stirling and Sir Joseph Paxton engaged in a conspiracy against "modern freedom and knowledge?" Are the Lutheran citizens of Hamburg, the go-ahead colonists of Canada, on the high road to reconciliation with the Scarlet Woman? Finally, is the *National Review* bound to "the faith and the traditions of the Middle Ages?" There never was such a "happy family" in this world as the secular Gothic party. Indeed we do not despair of finding, a few years hence, the infallible "Jupiter" itself enrolled as a member of the same harmonious body.

It is hardly worth while to stop to criticise the *Times's* artistic notions. It sees "gloom" in a blazing Gothic oriel, and "freedom" in a style bound down by the minute measurements of the "Five Orders." The *Times*, too, thinks that "modern freedom" is something opposed to "the traditions of the middle ages"—as if English freedom at least could be better defined than as a "tradition of the middle ages," as if Gothic architecture and the English constitution were not actually the work of the same century. But we are specially amused by the bit about the "monkish hymns," and "the odes of Horace." A real scholar would hardly think of the odes of Horace as the most favourable specimen of "Classic" poetry, any more than he would jumble up the writings of Prudentius and St. Ambrose, which we suppose the *Times* means, under the head of "monkish Latin hymns." A real scholar, wishing to put his best leg foremost, would surely have put forward Pindar, Æschylus, or Homer himself. But then the people for whom the *Times* writes know nothing of Pindar, Æschylus, and Homer. The *Times* caters mainly for the "small Latin and less Greek" class—the class who never read the *Iliad* or the *Agamemnon*, but who have learned up a scrap or two of Horace to misquote and to mispronounce. "Rem, quomodo rem," and that sort of thing, is what the *Times* opposes to the "monkish Latin hymns." As for attempts at more recondite scholarship, we have not forgotten how, in the thick of the Russian war, the *Times*, by way of comparison, opened our eyes to the existence of a play of Æschylus, where the poet brought "all Greece on the stage, and his messengers, one after another, gave hourly intelligence of the strife." The Thunderer does wisely to keep himself within more humble limits, when he addresses people who can be persuaded that if a particular sort of arches and mouldings are good in a church, all sorts of evils would follow upon introducing them into a Foreign Office or a private dwelling.

#### PLEAS FOR SLAVERY.

NOW that our eyes are fixed upon the crisis in the United States—a crisis which is wholly owing to the struggle between the doctrines of slavery and freedom—it may be worth while calmly to inquire what pleas Slavery has to urge in its own favour, and how far those pleas are true. It is only in our own day that atheoretical defence of slavery has been attempted. Fifty years ago the Southern planters did not seek to justify their domestic institution except by the inexorable logic of facts. We all know in what terms Jefferson and the other patriarchs of the United States spoke of it, although slave-owners themselves. Of late years this candour has been at an end. Since a party has arisen in the Northern States which denounces slavery as cruel and unchristian, the planters naturally have been driven to meet argument with argument, principle with principle, until at length they have constructed a body of reasons in favour of slavery which seem to afford them infinite satisfaction.

Their main principle is, that nature has drawn a broad line between the negro and the white man, and has not endowed the former with those qualities which alone can fit men for freedom. According to them, the difference between the negro race and the white race is not one of colour, but of species. The self-reliance, the courage, the strength of will that, upon the whole, characterize the white man have not been imparted by the Creator to the African race. The experiment of negro self-government has failed in Africa, has failed in Hayti. Actual trial has shown (what acquaintance with negroes might suggest) that they require guidance from the hand of a superior. In short, Providence actually designed them to be the bondsmen of the true human race.

Nor is this view without some facts to rest upon. Undoubtedly, the negroes in the Slave States are lower in the scale of being than the Anglo-Saxon race. This might be owing to a natural inferiority; but it may quite as reasonably be attributed to the fact of their being slaves. The same thing might have been predicated of every race that has been reduced to slavery. Inevitably, slavery makes men slavish. Inevitably, their self-reliance, their courage, their force of will, are weakened, and in many cases destroyed, by the want of use. The manifold examples of vigorous minds and strongly-marked characters among negroes tell far more in favour of their true humanity than their debasement under slavery can tell the other way. And as to their experiments in self-government, the researches of recent travellers have dispelled the illusion that West Africa is occupied by a mere horde of savages. Many negro nations possess an organized form of society, are engaged in agriculture and trade; justice is fairly administered among them, and a high degree of happiness enjoyed; and even Hayti seems not unlikely, before long, to furnish a satisfactory example of negro self-government. Be that as it may, the grand principle on which the slaveowners dwell with such delight is overthrown by the plain fact that a very large number of the American slaves do not belong to the negro so much as to the white race. Vast numbers of them are mulattoes. A very large number are quadroons, sprung not merely from a white father, but from several generations of white forefathers. Now the planters hold negro blood in such abhorrence that a mere taint of it in the veins makes them regard the mulatto or quadroon as belonging to the enslaved race; and yet it is obvious that the child of a white parent and a black one appetains as much to the one stock as to the other. The Anglo-Saxon stock has the whole of the father's interest in him, and in the case of quadroons the amount of negro blood has been halved and halved again, until at last the slave is incomparably more a white man than a negro. The planters' principle would be plausible if a gulf were fixed between the white and the negro race; but it can have no force at all when we find the two races combining with perfect facility, the result being that a very large portion of the slave population is in truth more Saxon than negro.

The next argument which the planters are in the habit of using is, that only by means of slavery can the negro race be raised from barbarism. Under this pretext the revival of the slave-trade with Africa has of late years been advocated (by those slaveowners who do not grow slaves for the market), inasmuch as it would be a boon and a blessing to the negroes themselves. This is like Richard Cromwell, who, in writing to the Speaker from Ireland, to say that he would "catch up" some thousand boys and girls to send to the plantations, added, "Doubtless this is a work in which God will appear." To fill Africa with slave wars, to cram the hold of the slave-ship with a cargo of men, women, and children, and consign them to bonds and stripes on the Southern plantations, so far from being cruel, would be philanthropy itself.

This extravagance needs no reply; but setting aside the idea of importing slaves from Africa, may not the "domestic institution" itself, as the planters assert, be a great engine of civilization to the slaves? Now, it is easy to imagine a form of slavery in which the slave should be the object of almost parental solicitude on the part of his master—in which he should come into daily contact with those over him, and, although he had been taken from a state of barbarism, might rise, under the influence of their example and companionship, to a higher stage of civilization. But, practically, is that the case with the negro slaves in the United States? It is certainly not the case as a general rule with the domestic slaves. There may be excep-

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tions where, both the master and mistress being humane and kindly, the slave is accepted as a member of the family. But in the vast multitude of cases the slave is regarded as a mere drudge, despised for his colour, his caste, and his slavish faults. As he cannot be dismissed from the master's service for misconduct, other punishments of a more degrading kind are requisite, and these are inflicted at the caprice, not only of the master, but of the mistress too. His indolence having no other spur but the dread of such inflictions, it becomes the main object of his life to dodge his owner and to conceal his own shortcomings. Hence the intellectual qualities developed in him go little beyond a low cunning; while as regards morality, the race of domestic slaves, whether in the United States or elsewhere, has ever been proverbial for its sensuality, falsehood, and thievishness. But the great bulk of the slaves in the United States are not employed as servants, but in the production of cotton. What are the civilizing agencies brought to bear upon all those millions of men? Their only contact with the superior race is, that they see the overseer riding about on his horse and superintending the operations of the estate, urging the black drivers to keep the gangs to their work, and occasionally, as Mr. Olmsted shows, flogging an idler. Are we to suppose that a gang of forty or fifty negroes rises in the scale of being by the occasional sight of a white man (he very probably a drunken ruffian) with whom their only intercourse is that of being often sworn at, and sometimes flogged? And yet this is literally the sum total of the intercourse between ninety-nine out of every hundred negroes and the white class over them. True, however, that in other ways they do see something of white men. The mean whites who hang about the plantations, living in a state of squalid penury, and despising all regular work, are the pest of the planters, because they are the receivers of stolen goods, and the tempters of the slaves to plunder their masters. This, however, can hardly be looked upon as a civilizing or a Christianizing influence.

But, even were slavery a blessing to the negro race, that good would be more than compensated by its degrading influence on the white race above them. The Southern planters have boasted of their chivalry and high breeding till we believe the impression has become general that they are sprung from the Cavaliers, and still retain unusual refinement, living, feeling, and acting much like the gentry in England, but with even a loftier sense of dignity, and with habits of command engendered by their absolute rule over a subject race. On no point have Mr. Olmsted's almost photographic representations of Southern society brought to light more unexpected results than under this head. The real fact is that, as a general rule, the slave-owners are rough, vulgar, ignorant men, with the manners which, *a priori*, might have been expected from those who have been surrounded from childhood by cringing wretches.

If the effect of slavery is not to elevate, but to degrade both the slave and the master—if its moral influence is so ruinous—no less fallacious is the third leading argument adduced by the planters, that at any rate slavery enhances the wealth of the land. The fallacy that slavery is a cheap kind of labour is a natural one. At first sight, it does look frugal to get work done without paying the doer of it. If a switch of the whip will give you what others have to pay for in silver and gold, surely that must be cheaper. Such is the short and simple reasoning that has led to the introduction of slavery in so many countries in the world; yet no fallacy can be more obviously fallacious. The slave, like the white man, has to be maintained. He must live in a house, he must be clothed, he must be fed—so, too, must his wife and family. If all this is not done from the purse of the workman himself, it must be done from the purse of the master. If the slave is to live in a manner at all equal to that in which he would live if free, the cost of his maintenance must be equal to the amount of the freeman's wages. The only saving to the employer is that obtained by cheating the slave of some necessities or comforts. Against this saving is to be set the loss arising from the inevitable indolence, shiftlessness, and stupidity of the slave. Naturally, a man who is driven to his work by the cart-whip hates his work with the whole force of his heart and soul. It is a perpetual struggle between himself and the master—the master goading him on by sheer force to his work, the slave always resisting to the uttermost; and it can readily be conceived that, in the long run, a body of millions of men, striving with all their heart and soul to shirk the work set before them, might be eminently successful in that endeavour. All this is so obvious that it scarcely needs to be confirmed by actual experience, but it is what all travellers tell us. Apparently, there never was a slave-owner who did not complain in the bitterest way of what he calls the natural indolence and negligence of his negroes. Hence it is an invariable effect of slavery that no machinery beyond the very simplest tools can be employed, because, although slaves can be flogged into giving manual labour, they cannot be flogged into giving intelligence. Not that they have not intelligence to give. In the Free States the negroes are entrusted—and satisfactorily entrusted—with machines; but in the Slave States this is impossible. All this explains that most remarkable and pregnant fact which has of late years been brought to light by various inquirers—the fact that slavery, so far from enhancing the wealth of the Slave States, has been a millstone round their neck. No one, indeed, denies that there are individuals in the Slave States who have accumulated vast wealth. Of course, a proprietor with a thousand negroes belonging to him, cultivating cotton for the

English market, stands a fair chance of making a fortune. But upon the whole, the effect of slavery has been not to enrich, but to impoverish the country. The Free States and the Slave States started eighty years ago on their career in precisely the same condition of agriculture, of trade, and of general prosperity, as well as of population. The one was curiously on a par with the other at the time of the Declaration of Independence. And yet, since that time, while the Free States have advanced with prodigious strides in population, in trade, in agriculture, in the instruction of their people, in the production of literature, in manufactories, in the establishment of railways and canals, and whatever else could enhance the wealth and comfort of the people, there is no one of these things in which the Southern States do not lag behind at a vast distance. This pregnant fact that slavery has been eating away the prosperity of the Slave States, instead of raising them to wealth, was unknown thirty years ago. It is a discovery of our own day, and has already produced most important results—one of them being the rise of the Republican party to political power. Thence the present crisis, and the probable disruption of the United States.

## THE USES OF INSINCERITY.

**I**T is a well-known saying of Lessing's, that if he had been offered the choice between the possession of truth and the pleasure of seeking for it, he should unhesitatingly have preferred the latter. The Radicals in the House of Commons seem to cherish very much the same feelings with reference to Reform. Last year it seemed to be on the point of being granted to them; and they were downcast and sad at heart. They appeared to think, like the French Marquis in the story when the flame of twenty years' formal adoration suddenly surrendered at discretion, *que ça gâte l'amour*. With the exception of Mr. Bright, who probably derives earnestness from the intensity of his antipathies, and a small band of youthful disciples, all the former champions of Reform showed unmistakeable symptoms of distress, and did their best, openly or clandestinely, to trip up their feeble and hobbling favourite. Some attacked it on one side, some on another. Some found it a great deal too Conservative, others a great deal too Radical, and others gave assistance on the sly to the tactics of delay by which it was opposed. Some thought the measure was too complicated to be considered in a full House, and wished to send it to a Select Committee; others thought it too crude and simple to satisfy their comprehensive aspirations for Reform. There was a total absence of those plump pledges, those neat democratic axioms, that hearty and joyous Radicalism, which usually gives life and spirit to the House of Commons.

Time, however, brings relief, and after a due season of trial this depression of mind has passed away. The incubus of possible legislation has been taken off, and their spirits have risen again with marvellous elasticity. One could almost imagine that dark and ominous interval of suspense had never been. Everything goes on as it did before the gloomy era of Government Reform Bills. It is like the awakening of the sleeping beauty after her slumber of a hundred years. The death-like stillness lasted long in the democratic camp; but the spell is revoked now, and all is life again. Wherever you look you see all the old familiar forms and all the well-known movements. The old wheels of agitation are spinning fast again their web of petty grievance; the old faces, beaming with democratic ardour, are uttering the old common-places; the old measures are being lugged out again from their dusty resting-places; the old annals are blooming up again in all their earlier glory. Even Mr. Edwin James is himself again—no longer the critical and candid friend, eloquent with damning praise, overflowing with an irrepressible stream of damaging statistics—but again the relentless and fearless Reformer, whose transparent honesty had won and won the faith of Marylebone. It is all just as it was before the inexpert conjurors ran away in abject dismay from the appalling presence of the spirit they had unintentionally raised.

It is said of a great Highland proprietor, who likes to enjoy the reputation for hospitality without detriment to his deer-forest, that, whenever a party of his guests are sent out deer-stalking, the keeper has instructions always to let the deer see his head just at the critical moment when the sportsmen are creeping within range. This is very much the fashion in which Radical notabilities take their constituents out to stalk Reform. Merely stalking it is a very healthful and exciting pursuit, which keeps all parties in good humour with each other; but to let them hit it might be dangerous, and would certainly be expensive. Accordingly, the ardour and skill of their guides rises in exactly inverse proportion to their chances of success. As far as the immediate interests of the community are concerned, this is not a very undesirable state of things. It is, in the first instance at least, far more expedient that such of the constituencies as are really in earnest for democracy should be represented by men of the world who will deceive them, than by fanatics who will execute their wishes. Government by bamboozle always presents considerable advantages at first sight. It offers the deadening resistance of a sand-bag to the dangerous forces of political fanaticism. By the time the enthusiastic constituent discovers that his member does not really intend to do a quarter of what he has promised, he himself is probably disenchanted, his theory is blown up, or his passion spent, and he is ready to give place to warmer and younger men, who will

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go through the same process with the same issue. In full consciousness of these advantages, public opinion has dealt lightly with the infanticides who so quietly smothered their own bantling last session. They have swallowed a certain amount of dirt, it is true; but that is counted to them for patriotism. A peculiar morality is framed for members of Parliament, especially for representatives of populous constituencies. In private life a man must not promise what he does not intend to perform, or profess opinions in the presence of mere acquaintances which he repudiates among his friends. He would be set down as slippery and treacherous, and would find his influence materially shortened. But nobody is shocked when the member for a large town professes opinions which in his heart he is known to hate, and pledges himself to measures which in his own drawing-room he laughs at. People rather congratulate themselves that a sufficient number of shrewd and plausible men are unfastidious enough to undertake this sort of thing. Without them it might be difficult to reconcile the theory of popular government with the exigencies of society, which require that the educated classes should rule; or, at all events, the system would work with much more friction, and occasionally with serious jolts. The days of casuistry are gone by, and we do not care to scrutinize too closely the moral boundary which separates a reckless hustings pledge from premeditated fraud. Most people have an idea that they should feel the profession of political equivocation a very repulsive one, and they may find it difficult to conceive how the moral fibre of an honest man should be sufficiently relaxed to undertake it. But they find it difficult to restrain the feeling that it is a blessing there are some lax people in the world.

The state of public opinion on this subject of the insincerity of politicians very much resembles that which existed a few years ago in reference to bribery. That class of supple moralists who denominate themselves practical men were very willing to condone all the demoralizing effect of bribery for the sake of the advantage of having wealthy men in the House of Commons. If the matter had been left to statesmanlike wisdom to dispose of, bribery would probably have been called bad names in preambles to acts of Parliament, but on all other occasions would have been winked at very hard. But public sentiment has outrun political calculation, and bribery is pretty generally scouted, in spite of its value in giving a share in the representation to property. It is hard to say that the insincerity which is openly practised by the representatives of large boroughs is much less demoralizing in its effects than the bribery which the members for small boroughs used to practise with quite as little shame. If it is important that the lower class of electors should look upon their own constitutional functions with respect, it is much more important that they should retain some remnant of a belief in the honesty of their superiors. If, in spite of all that has passed and is passing, they still retain their belief in "advanced Reformers," the ages of faith have not yet passed away.

It may be questioned whether the tolerance of political insincerity, which is the peculiarity of the public opinion of the present day, is wise or salutary in the long run. It is very true that awkward results might follow at first if all election candidates were put into the Palace of Truth. A good many very useful public men would find it impossible to get a seat, and their places would be filled by a most embarrassing collection of impracticable fanatics. But after a time the evil would cure itself. The sensible but easy portion of every constituency would be roused by the magnitude of the danger to exert themselves, and they would force their fellow-electors to abandon the fatal practice of requiring adhesion to a set of clap-trap measures. On the other hand, we should be rid of the degradations which now deter earnest and able men from taking part in political affairs, and is stamping with the character of unrelieved mediocrity all the younger section of politicians. The humiliation which is now exacted by almost every constituency of consideration is more than can be borne by the higher class of minds, whose tastes have been formed in the purer and more honest atmosphere of private life. To be obliged to utter exaggerations against which your heart and intellect revolt, to be compelled on all occasions to reiterate untenable or unmeaning formulas which in your inmost soul you utterly despise, are self-degradations to which the higher class of intellects find it very difficult to stoop.

#### PUBLIC OPINION AND JOURNALISTS.

A WRITER in the *North British Review*, whose subject is the political press of France, Germany, and England, points out a difference between the three which may be briefly stated thus:—England has a press properly so called, while France and Germany have only journalists. It is undoubtedly true that the best newspapers abroad are those which are inspired by, and reflect the opinions of, two or three able writers. The *Journal des Débats*, which during the greater part of this century has carried off the palm in France for literary ability, has owed its distinction almost entirely to certain distinguished individuals who wrote in it and were known to write in it. The retirement of a man like M. Saint Marc Girardin from its staff produces a very different result upon its career from what is the effect upon an English newspaper of a similar withdrawal. In England, the gap would soon be filled, and probably never be discovered by the public. In France, M. Girardin retires, and all the world knows

that he retires, for his signature silently disappears. Those who used to read the *Débats* for the sake of seeing what M. Girardin would say, read it perhaps no longer; or, if they read it, read it certainly with less interest. Nor is it only the public that loses by the change. Every French journal is influenced so far by the opinions of its leading journalists, that it may be said to represent them. It cannot afford to allow a well-known name to disappear from its columns if it can prevent the loss. Accordingly, his influence on the political line which it adopts grows every day. When the *Débats* parts company with M. Girardin, it parts company with a man who for more than thirty years has been its leading spirit—its political inspirer—itself very self. When he is gone, it is no longer the *Débats*—it might just as easily be the *Constitutionnel* or the *Patrie*.

Just as the *Débats* has for a long time been little more than an organ of two or three first-rate writers belonging to the same party, the political importance of the *Revue des Deux Mondes* is chiefly owing to one man, M. Eugène Forcade. M. Forcade has achieved, as a political writer, a reputation which just at the present moment stands unrivalled. The fortnightly political *chronique* of the *Review* is altogether *sui generis*, and has done more than anything else to give the *Review* a European circulation. If we turn to Germany, a similar spectacle presents itself. The best German public paper is beyond all doubt the *Allgemeine Zeitung*. It is the German "Times," the only paper which is worthy of being called the organ of the national thought of Germany. But, were it not for one single man, M. Hermann Orges, it is very questionable whether the *Allgemeine Zeitung* would ever have been, or would long continue to be, what it is. It is owing to his energy, and knowledge, and patriotism that it has risen, and if he left it, it might fall.

It is not surprising that such should be the case in France, where, till of late, journalism was a profession which opened a path for young and unknown men to the highest political honours. A wise and ambitious writer selected his party, and did battle in its ranks with fidelity and zeal. It was not his interest to devote himself to the public in general, when his passions and his expectations flung him into the arms of this or that political clique. Indeed, it is difficult to see how a writer in France can serve the cause of public opinion, because it is not so clear what public opinion in France can mean. Does it mean the opinion of the Orleanists, or the opinion of the Legitimists, or the opinion of the Revolutionary party? If it means anything, it means the opinion of any two out of the three, at a time when the third is in power. At the present day, public opinion in France is in reality the opinion of an educated Opposition whose members consent to waive minor differences amongst themselves, so long as an enemy, which they detest in common, is in power. Such public opinion can hardly have one single organ. The *Débats* is not the organ of public opinion, nor the monthly *Correspondant*, nor yet the republican *Opinion Nationale*. Public opinion lies somewhere between the three. So long as all three are simply critical and destructive, all have a right to pretend they represent it. So soon as any one of them begins to be constructive, it alters its position. The one writer who alone consistently represents the public opinion of the educated class is M. Forcade. He confines himself usually to ingenious and covert criticism of Napoleon's foreign policy from a Liberal point of view; and in domestic matters he harps well and frequently upon the same string—that France ought to be more free. Accordingly, his political articles give pleasure to all parties, and offence to none. In a word, they represent all the public opinion which is possible in France.

In times of great political animosity and strife, public opinion can scarcely be said to exist in any sense in which the term is ordinarily used. There are in such times party opinions, and there is of course the opinion of the party which is numerically the strongest; but there are so many opinions, that there is no one opinion—no *sensus communis*. But public opinion in England is the instinctive opinion which comes uppermost in the minds of ordinary people, who believe far more in common sense than in political theories, and who care more for quiet, and order, and good government than for the crotchetts of Mr. Disraeli or the vagaries of Mr. Bright. It is the growth of quiet times. When the day of party warfare has almost died away, the reign of public opinion begins. The *Times* in the years of the Reform agitation had not the power or the influence it possesses in these untroubled days. Men had their views and their theories chalked out before them, and would have thought it treason to unsay to-morrow what was said to-day. But when the world is tranquil, there is less need of politicians. It would be quite possible now-a-days for a journal to be too political for its readers. Every man is his own politician; his views are a matter not of scientific dispute, but of liberal instinct, and he is prepared to swear allegiance to no master. What does it matter if the *Times*, which is the organ of so many of us, contradicts itself, and changes sides from day to day? Do not most people contradict themselves? Is the opinion we form this morning on the telegram which arrives from Paris so necessarily true or fixed that it may not be shaken to-morrow? Men learn their intelligence from hour to hour, and they must generalize upon it as it arrives. The process of reflection and digestion goes on in public. The article written upon the event that happened to-day represents the first blush the matter wears to an ordinary mind. The article of to-morrow represents what we thought on being taken by sur-

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prise to-day, modified by the subsequent news that will arrive this evening.

It is accordingly to be remarked that the very branch of politics which requires special knowledge, and about which the ignorance of the English public is the greatest, is the one with which English leading journals deal the most unsuccessfully. The foreign politics of the *Times* are enough to drive any European politician crazy. The truth is that the *Times* has no settled foreign policy at all. Beyond a generous sympathy with freedom, and a hatred of despotism wherever it is to be found, Englishmen in general know very little about diplomacy. A nation governed by public opinion can never be a diplomatic nation, for diplomacy is an occult science, and public opinion is not fond of abstruse investigations. When a Bonn magistrate insults an English traveller, public opinion declares so loudly against Prussia and Germany that the *Times* feels called upon to write as if we were all quite willing to throw overboard notions of the balance of power, and to let France have the Rhine upon the spot. It is, of course, a misfortune that a leading journal should not be more careful not to pander to the momentary passions of the public. But, on the whole, a rough kind of justice is done to everybody, for, if the *Times* is so lightly moved to blow hot to-day, it will be equally likely to blow cold for some similar reason in a week.

So far, then, from representing the views of a party, or entering with vigour into an arena of political conflict, in order to be successful, an English journal must stand aloof from parties, and bring all alike to the bar of common sense. Individual writers can never represent public opinion. They may labour, as M. Forcade, to awaken public opinion, but, public opinion once awakened, party writers cease to be influential, and the very consistency which leads an honest man to be anxious to harmonize his views, and to account for them prevents, any one man from being the organ of national opinion. Individual writers and thinkers belong to the days of sects and schools. What we look for in an article in an English journal is, not merely what such and such a party, or such and such a writer, will say upon any given subject. If this were the case, why should articles remain anonymous? It is by no means for the interest of the writers themselves that the veil of incognito should be preserved. If the writers in the *Times* signed what they wrote, it is not certain that they would be more scrupulous, and it is clear that journalism would become a profession for an ambitious man. But what an Englishman wishes to get in his newspaper is a common-sense aspect of a question in which he is interested, put in an agreeable and attractive form. He neither cares to know merely what the Carlton thinks, nor what the Reform Club thinks, nor what the Manchester school is thinking. He cares to know what he and the people about him are thinking. But if an English newspaper were all written by one man, supposing him even to be the ablest man in England, people would soon cease to read it.

## PREVENTIVE LEGISLATION.

TWO Bills have recently been introduced into the House of Lords by the Bishop of Oxford on kindred subjects. The one is to amend the Act generally known as the Bishop of Oxford's Act for the protection of female children, and this measure further defines the age of the children in whose interests it is prepared. The other, entitled "A Bill for more effectually preventing and punishing the keepers of houses of ill-fame," extends the provisions of 25 George II., cap. 36, under which Act any two inhabitants of the parish are the recognised complainants, and the prosecutors of persons charged with keeping houses of ill-fame, and their expenses are to be paid by the overseers of the poor. The present Bill very considerably enlarges those provisions, and in order "to give greater facilities for prosecuting and punishing the keepers of such houses," proposes to enact that when "any prosecutor or other person shall appear before any court on recognizance, to prosecute or give evidence against any person charged with keeping a house of ill-fame, every such court is authorized and empowered, whether any bill of indictment for such charge shall or shall not be actually preferred, to order payment of the costs and expenses of the prosecutors and witnesses for the prosecution, in the same manner as courts are now by law authorized and empowered to order the same in cases of prosecutions for felony and in prosecutions for offences against 12 and 13 Vic. cap. 76." As we understand the Bishop's Bill, its object is, in cases of this nature, to encourage prosecutors and witnesses, to pay their expenses, whether an indictment at the sessions is preferred or not—i.e., we suppose, in those cases where the magistrates accede to a compromise on the understanding that the nuisance should be abated—and to charge such expenses on the county-rate instead of on the parish. In other words, it is proposed to encourage by all means all persons as informers and witnesses against a particular class of offence.

We run no risk of being supposed to undervalue the great services rendered by the Bishop to public morality, or to depreciate the good actually achieved, by his Acts known, and honourably known, by his Lordship's name, if we hesitate about this last Bill. If, as we believe to be the case, much of the guilt of what passes under the name of seduction may be very fairly divided between the sexes—and if, as we also believe, the action for seduction, a merely fictitious one, might

reasonably be abolished, and with gain to the honour and purity of women—we can, with these convictions, more fully comment on the propriety of extending protection to females of tender years. Here we follow the Bishop of Oxford without limitation. That which is a vice in the case of woman is a crime in the case of a child. But as regards the other measure to which we have called attention, we may be allowed to interpose a doubt; and that doubt will be founded upon the distinction between vice and crime. Moralists when theorizing will say that there is no distinction, and that as vice is an offence and crime against God and man's better nature, it is within the province of law under its highest aspect, as the impersonation of Divine Justice, to interpose and to punish offences against the moral, equally with those against the Statute Law. Whether this be so or not in a theocratic State, it is undeniable that our actual legislation does draw a distinction. The very case of so-called seduction of an unmarried woman—the sin, that is, of unchastity—is not an offence at common law. It is punished by a civil action, as an alleged loss of service accruing to the parent. So with respect to houses of ill-fame—they are treated as nuisances, not as crimes. If a man, by a stinking manufactory, a noisy trade, or a noisy household, disturbs the peace and quiet of his neighbours, offends their eyes, their noses, or their ears, he commits an offence. It was on this principle that disorderly houses comprised both public-houses and those houses of assignation which the plain language of our forefathers and the statutes called by a very plain name. And this, we are still disposed to think, is the right view. Treat them as nuisances—endure them as long as possible, but suppress them only when intolerable. The Bishop of Oxford's Bill, as we gather its meaning, proposes to consider the keeping of house of ill-fame, always and under all circumstances, to be a crime. He would treat prosecutors and witnesses in these cases in the same way, and encourage and protect them in the same way, as "in cases of prosecutions for felony." The question then is, Ought the keeping of such houses to be classed with felonies? We shall not trouble ourselves with denying the allegation that we look with any tenderness on the class of Dame Quicklys, though we must say that we altogether doubt the propriety or the policy of the proposed bill.

We doubt the propriety and policy, because, as we have said, vice is one thing and crime is another. The Bishop introduces into the law of England a new crime. Is this wise? With the world's experience before us, will it help the cause of chastity to make unchastity a technical and legal as well as moral offence?—for no less than this is the principle of this measure. We are not going to fall into that wretched cant of the day which seems to say that a law, especially a law of religion, ceases to be a law when men agree to disregard it. But this is a very different thing from visiting with temporal punishments that which has hitherto only been condemned by moral and spiritual justice. It may be said that in the case of drunkenness a fine is imposed; but here it is the publicity, the nuisance, and the offence, not the moral fault, with which the magistrate deals. Public indecency, as an offence against the peace and privacy of the neighbours, is also punished, but on the same ground. What is meant by the proposed Bill is, that unchastity being a crime, all who abet it and encourage it are to be punished; informers and witnesses are to be encouraged; the thing is to be rooted out and extirpated. This is the Forbes Mackenzie Act applied to another subject-matter. Our answer is the same in the one case as in the other. Human nature—corrupt, fallen, degraded, sinful human nature, if you will—cannot and will not stand this. The remedy exaggerates the disease. The attempt to suppress crime fails; and Angelo either falls himself or betrays Claudio into a sin worse than his first. Man learns to treat more lightly than it deserves a fault and a vice which the law tries ineffectually to represent as a crime. If we attempt to elevate drunkenness into a felony, the only result is that the world will not regard it as a degradation and a disgrace. We are much afraid that the same thing will happen if we put too much strain on another moral line. Such safeguards as already exist for the protection of public decency will be swept away if we attempt to raise too many technical defences to what is after all best left to religion, to morality, to the sense of propriety, and to the growing regard even to the *bienstânce*. What if we sacrifice substantial, though perhaps illogical advantages, for a theoretical completeness and wholeness which we shall never compass?

We say nothing of the practical inconveniences of the measure, arising from the encouragement which it appears to give to common informers, and the prospect it holds out of extorting hush-money from the wretched harpies who deal in our white slaves; but the Bishop of Oxford need not be told that the actual happiness of the kidnapped African during the transatlantic passage is not increased by making the slave trade both expensive and illegal. Perhaps we shall be told that the object is in either case identical—to make the brothel and the slave-ship alike impossible; and yet more, to make the harlot and the slave impossible also. "We mean to prohibit," the Bishop will reply. Some will say that a Wilberforce has failed in one case—most certain we are that a generation of Wilberforces will fail in the other. And this leads us to a final reflection; for the subject is one which, though it is cowardly and unfaithful not to discuss, it is pleasant to be relieved from; and it is this:—If we cannot punish what we ought not to attempt to prohibit, because we cannot prohibit, ought we not to try to regulate it? We are perfectly well aware of the sonorous platitudes

about a Christian Legislature recognising and legislating about that which the revealed and the moral law designates as a sin. Nor do we disregard the seriousness of the objection, both in itself and in those who urge it. It is enough for the immediate purpose to ask whether the non-recognition of this sin works very well? Nobody will say that it does. We are all trying to reform the social evil; why not deal with it in other stages and under other aspects than that of maudlin sentimentalism for "our fallen sisters?" The Bishop purposes to innovate in one direction. We have said why we cannot follow him; but we do not say that to do nothing is the sole alternative. Nor do we say how the thing is to be done—we are not writing a volume, but an article; but this we assert—That there is scarcely a civilized state, heathen or Christian, of the ages of Faith or the ages of Mammon, Catholic or Protestant, mediæval or modern, which has not done that which we, from a strained religionism and a spurious morality, decline to do. Houses of ill-fame, like the poor, will never cease out of the land. Reasons moral, social, economical—reasons of police and of health—reasons sanitary and reasons domestic—reasons public and private, have induced other nations, as moral and respectable as our own, and have induced even our own country in days when, as now, it held its own among the respectable nations of the earth, to regulate rather than to prohibit these houses. But we are too delicate and too reticent to bear the discussion; and if anything of the sort were proposed in Parliament, we all know what would be the end of it. Our lively Dictator would, with an airy chuckle, inquire whether a Royal commission to investigate the state of houses of ill-fame, &c., would suit the Honourable Member; because, if so, he would undertake to give the Honourable Gentleman the chief commissionership. The subject is a most serious one; and we demand that it should be treated seriously.

#### THE AMENDE HONORABLE.

**I**T is now rather more than a fortnight since the public learned that a cultivated gentleman was driven to resign the service of his country by the clamour of a small theological faction. The newspapers of the party have been jubilant over their triumph. Some have repeated the stale slander that Mr. Turnbull had been employed to catalogue the religious history of the nation. But the more respectable organs of the press have echoed the regret which is felt by all right-minded men, that official timidity should have blundered into a baseness. We have our narrow prejudices, like other men, and are led from time to time into unjust acts, but as a nation we do not deserve the reproach of hard-handed intolerance. Probably it would have been difficult to pack a public meeting that would have condemned Mr. Turnbull on a fair hearing of his case. His enemies knew this, and worked underground. They procured signatures to a memorial, which was circulated as "private and confidential," by garnishing partial extracts with malignant insinuations; they plied the columns of their party organs with calumnies, and succeeded in creating a ferment which disgusted their victim with his occupation, and alarmed the Master of the Rolls, but to which the public at large were wholly indifferent. Even those who saw the first letters never dreamed that a reputation was being stabbed and the spoils of an office carried off in the dark.

The public are now paying the penalty for their supineness. It is not pleasant to be degraded in our self-respect as a nation, or to know that French and Papal tyrannies will be able to excuse themselves by a Constitutional precedent. Fortunately, the mischief done is not irremediable. Mr. Turnbull's resignation has been sent in, but is not yet formally accepted by the Treasury. Sir John Romilly's letter was a simple expression of private opinion. It was deplorable, no doubt, as the chief in such a case ought to have stood stanchly by his subordinate; but it only compromises the Master of the Rolls. In a word, Mr. Turnbull, by official etiquette, is still at the Record Office. Commonly, no doubt, it is the custom that the Treasury should confirm the decisions of an important public officer. But they are not bound to do so, if good cause to the contrary be shown. A strong expression of public opinion would give them an excuse for deviating from their rule; and no man would be better pleased than Sir John Romilly to see the effects of his hasty letter undone. The public need not leave their own proper duty to the Press. A memorial is now in circulation, petitioning the Lords of the Treasury that Mr. Turnbull's resignation be not accepted. Within three days a few circulars and a single advertisement have procured several hundred signatures to this document. Among the subscribers are the official staff at the Record Office—the men best qualified to judge this question—and a host of clergymen, college tutors, fellows, and barristers; and the civil service is largely represented. If the public only follow the lead given, Mr. Turnbull will be placed in even a better position than before. That the Treasury will decline his resignation under these circumstances may be assumed; and it is to be hoped that he will consent to resume the employment which he has not cared to keep at the price of exposure, without support, to malignant personal attacks.

Our antecedents as a journal will probably save us from the charge of any strong regard for Catholic converts. We are even ready to admit that there are some things, such as the conduct of

Protestant education, which we would not willingly intrust to an ardent Catholic neophyte. But the case against Mr. Turnbull was one of the very weakest that fanaticism ever fathered upon credulity. If being a Catholic disqualifies for public employment, eight millions of our fellow-citizens will have to be set aside. It was said that Mr. Turnbull had expressed in print his admiration of the Jesuits—would he have been a more honest man for concealing it? Does admiration imply acquiescence, or were Lord Macaulay and Sir James Mackintosh,—both of whom praised the Jesuits—untrustworthy men for the Record Office? Is it supposed that literary forgery or casuistical defences of crime were ever confined to the Society of Jesus? A curious chapter might be written on their Puritan parallels. The dishonesty of those sturdy Protestants, Bale and Fox, is a by-word in literary history; and some Puritan hand has blotted out the word "Pope," in our only manuscript of the History of Battle Abbey. Knox's attack on "the monstrous Regimen of Women," Calvin's prayer that the Duke of Guise might die, were clear incentives to treason and murder, which their party understood and acted upon. The Oxford "scruple-shop," in which questions of casuistry were discussed during the Commonwealth, was opened not by Loyola's disciples, but by grave Puritan Divines. Casuistry, as an absorbing branch of study, is now unknown to Catholic as much as to Protestant countries. Individuals may work at it as persons are found to busy themselves with heraldry; but both stand apart from their age. Literary dishonesty is still unhappily a danger to be guarded against. An Irish bishop published, a few years ago, as his own, a Charge stolen from the Archbishop of Canterbury. An eminent scholar is known to have published, as his own, notes on *Aeschylus* which had been left by a predecessor in manuscript; and a living clergyman has garbled the *Pilgrim's Progress*. The Committee of the Protestant Alliance, who have circulated a mutilated extract of a book published twenty years ago, when Mr. Turnbull was still in the English Church, as a sample of his present opinions, are not persons who could usefully be employed on a calendar of the public archives. The public have, therefore, a clear right to be satisfied on two points—that persons employed on the public records are of good character, and that no opportunity is given them to tamper with their work. On the first point there appears to be no question. Mr. Turnbull's character has been eulogized in terms of which any man might be proud. The *Daily News*, which unhappily lent itself to circulating the fictions of his opponents, has, since then, done ample justice, in a review, to the excellent manner in which his first volume has been edited. Professor Brewer has stated that the papers on which Mr. Turnbull was engaged have no immediate connexion with the history of the Reformation. Both Professor Brewer and Mr. Hardy have explained that, by the system pursued in the Rolls, it is impossible that any paper should be destroyed. A list is kept of the documents given out, and all have to be restored. A man who combined the qualities of fool and fanatic in a way which we know painfully not to be impossible, might, of course, publish a false synopsis of the papers entrusted to him. In this case—the only one conceivable in which the public service could suffer—detection would inevitably follow as soon as the volume appeared in print.

In one sense, this whole affair is very trifling. The pay at the Record Office is so small that Mr. Turnbull will only lose the income of a London curate. The nation may, of course, find it difficult to secure the services of an accomplished linguist and antiquarian for that sum; but popular Protestantism has no reason to love history or public records. Fact and thought are awkward elements—they savour too much of the corrupt human reason. We do not argue with the most ignorant section of the misnamed evangelical party; but we do call upon all moderate men to save the country and our common religion from the scandal which recent events are bringing upon it. The ban-dog of persecution may be suffered to mumble and howl, but not to bite.

#### THE GALE ON THE NORTH-EAST COAST.

**T**HE North-east coast from Berwick-on-Tweed to Flamborough Head was visited on Saturday last by a terrible and destructive gale. The sorrow which every one must feel at the loss of valuable lives is aggravated by the reflection that a very ordinary exercise of prudence would have kept within the harbours on this coast the ships which perished in trying to regain them. Without a considerable experience of the recklessness of merchant seamen, and particularly of those engaged in the coasting trade, it would be impossible to believe that men would voluntarily expose themselves to the danger, so clearly indicated, of shipwreck, rather than suffer the inconvenience of being detained a week or two in port. We are told that the weather underwent a sudden change on the morning of Friday week. The fine soft westerly breezes which had been enjoyed for a fortnight gave place to rain and sleet and a bitter north-east wind. At night the sea began to rise with great suddenness and fury. The gathering clouds in the north-east looked angry. The barometer also indicated a gale. But—

Though rising gale, and breaking foam,  
And shrieking sea-birds, warned them home;  
And clouds aloft and tides below,  
With signs and sounds, forbade to go,

not less than one hundred vessels left the Tyne that afternoon, and a proportionate number sailed from the neighbouring ports. It might be inscribed on the pier-heads of every one of these north-east harbours, "He who goes out from here leaves hope behind;" for nature has so contrived them all that if vessels get outside, and then are caught by a violent on-shore gale, they are almost certain to be driven upon some rock or shoal before they can regain harbours which are at all times dangerous to enter, and during many hours of the day are inaccessible for want of water. In the storm of Saturday last the natural terrors of the scene were heightened by the crowding together of the fleet of vessels, of which the hindmost had not been an hour at sea when the storm burst. If a vessel sails from the Thames or the Humber, and meets an overpowering adverse wind, she puts back and only loses time. But a vessel which has sailed from the Tyne, the Wear, or the Tees, finds herself, under similar circumstances, unable to advance, whilst she knows that retreat is ruin.

A few examples culled from the long catalogue of the disasters of last Saturday will exhibit the peculiar danger of the navigation of the north-east coast. A brig bound from London to Seafham ran to the Tyne for shelter. In taking the bar, she struck and drove upon the Herd sand. A Scotch schooner ran for the same harbour. She got much too far to the south, and drove towards the pier works. The vessels that were overtaken by the storm near Hartlepool tried, with the same ill success, to make that port. The result is stated by a correspondent of the *Times* thus:—"Most of them were laden, and as they attempted to enter before the tide had sufficiently risen, they all took the ground." It is stated that nearly fifty total or partial wrecks occurred within sight of Hartlepool. The coast for about two miles was strewn with fragments, so as to resemble the yard of some ship-breaker in very large business. Some fifty seamen have been drowned, and the value of ships and cargoes lost is estimated at 1,50,000*l.* The coast as far south as Whitby showed the same evidences of the fury of the gale, and at the last-named place the life-boat met with a disaster which proved fatal to all but one of her gallant crew. It is not at all surprising that these calamities should be thought to furnish the occasion for a renewed demand upon the Government to proceed with the construction of harbours of refuge at the public cost. It is urged that, when the recommendations of the Royal Commission shall have been carried out, means of escape will be provided where now damage or destruction is inevitable. But we cannot help feeling some suspicion of exhortations to the nation to perform its duty by spending half-a-million at Hartlepool, when these exhortations proceed from persons who are strongly interested in the prosperity of the place where this large expenditure is recommended. It is at any rate proper to point out that common prudence in shipowners and masters may do a great deal towards saving life and property, even if the Government should decline to expend a single shilling in improving the north-eastern harbours. A correspondent of the *Times* states that "on the morning of Friday there was every appearance of a gale of wind coming on from the east or north-east. The Board of Trade barometers clearly indicated it, and it seems strange that so large a fleet should have sailed with such a prospect." It seems stranger still that the Government should be called upon to lay out half a million in order to provide for the shipping of Hartlepool some possibility of escape from the consequences of its own rashness. As the correspondent of the *Times* adds, it was feared that the sea would rise and keep the ships in harbour several days longer, "and so they risked it"—in the hope, no doubt, of a profit which would have gone to the enrichment of Hartlepool. Upon the general question of forming harbours of refuge for the benefit of the whole world at the national expense there might be much to be said at a fitting time. But upon the question of forming at Hartlepool a harbour of refuge which shall secure the shipping of that and neighbouring ports from such disasters as that of last Saturday, there really is not much to be said but this—that such a harbour ought to be formed forthwith at the expense of the community of Hartlepool. Judging from what occurred last week, and from the records of many similar calamities, it seems only too probable that the outlay of public money upon harbours of refuge would, as far as concerns the British commercial navy, only operate as an encouragement to "risking it" for a small pecuniary consideration, in defiance of all the warnings of science and experience, of the barometers of the Board of Trade, and of the threatening clouds in the eastern sky.

What we have said with regard to Hartlepool applies equally to the entrance of the Tyne. We do not think that the late disasters add any great force to the recommendation of the Commissioners that public money should be laid out in aid of local efforts to remove the natural obstacles which impede the traffic of the chief coal port. The only other place on this coast selected by the Commissioners, besides Hartlepool and the Tyne, was Filey Bay, which lies a little north-west of Flamborough Head, and too far to the south-east to have been of much avail even to the ships which were driven ashore at Whitby. The fact seems to have been, that all down the coast, from Tynemouth to Whitby, the shipwrecked vessels were caught by the gale too near the land for any harbour of refuge to be of the slightest use to them unless it lay directly under their lee.

But although we do not find in the mournful tales of shipwreck

which have filled this week's newspapers any strong additional motive for adding immediately to a vast national expenditure, there surely are some lessons to be taught and some duties to be suggested by this sudden change from smiling spring to the most awful form of wintry tempest. One lesson we have already dwelt on—that the change of weather might have been, and indeed was, foretold. We are aware that it would be extravagant to expect this class of seamen to take care of themselves; but surely we may ask that their employers and those who have influence with them should at least do something to prevent their "risking it," in order to escape a week of inactivity, which, we suppose, means a week without earning wages. We strongly suspect that the question whether some hundred valuable lives shall be put in jeopardy is really a question about a slight advance in the price of coal. It is impossible to blame the men, for the courage or even recklessness they have shown is a quality which, under possible circumstances, may prove of the very highest value; but we do seriously blame the owners and captains who tempt them to incur the most tremendous perils on the most insignificant and trivial occasions. It is a comfort, however, to observe that a very little money, skilfully applied, will get a great deal of dangerous service out of the north-eastern seamen; and only official helplessness can possibly prevent them from "risking it," in case of need, for their country's good, by braving dangers which would be but a trifle compared with that of putting to sea from Tynemouth or Hartlepool in the teeth of an on-shore gale. Whether we look to the seamen who struggled with this tempest, or to the life-boats' crews who so gallantly, and often so effectually, strove to aid them, or to the lamented Captain Boyd and his brave comrades, who amid the same storm on another coast, perished in their work of mercy—we see everywhere proofs that Britain has still a race of sailors whom she may trust to sail and fight any sort of ship against any enemy. Men who are capable of "risking it" in a north-east gale to earn a sovereign, may surely be got for money to face any projectile that has been or may be fashioned.

## REVIEWS.

### AUTOBIOGRAPHY OF MARY GRANVILLE (MRS. DELANY).\*

**T**HE promise in the title-page of accounts of George III. and Queen Charlotte in their domestic character is not yet performed. Mrs. Delany lived to the age of eighty-nine, and in three octavo volumes of unusual bulk she has only arrived at sixty-one. Lady Llanover, who is descended from her sister, remarks on the singular merit which has preserved for a century the memory of a lady who was neither an artist, nor an authoress, nor in any sense a public character. Mrs. Delany was simply a sensible, well-bred, and agreeable woman of good family and extensive knowledge of society. Her friends loved her, her acquaintances esteemed her, and it was only by accident that posterity ever heard of her existence. In her old age, the King and Queen liked to gossip in her room at Windsor, and consequently Miss Burney, during her dreary servitude at Court, had the opportunity of consigning her to a limited immortality. The prerogative of the sacred poet was never more curiously illustrated until, in the fulness of time, Lady Llanover's enthusiasm gave her respectable kinswoman an epic of her own. At first sight, the voluminous publication suggests to every reader the reflection that he or she also had a grandmother who may probably have written and received letters in her time. The world of librarians would not contain a hundredth part of the books that should be written if all intelligent women were to claim proportionate space on the bookshelves. Yet, when the oddity of the publication has been fully appreciated, the severity of criticism will be conciliated by the human interest of the correspondence, and by the unconscious picture which it presents of bygone manners and modes of thought. The letters are, for the most part, trivial, because they are domestic and confidential. A list of guests, a bill of fare, a description of a new dress, were natural subjects of communication between two affectionate sisters, and after the lapse of three or four generations, they become once more attractive. A higher interest attaches to the visible development of character during a continuous correspondence of forty years. Mrs. Delany remains, from first to last, the same kindly, cheerful, and lively woman, and the durability of her friendships is the best proof of the depth and genuineness of her character. Although she loved and respected her second husband, her sister occupied the principal place in her affections, and in their long correspondence there is no trace of the smallest interval of coldness. The Duchess of Portland continued to extreme old age an intimacy which is illustrated by early letters full of the pleasant flippancy and folly of girlhood. All the numerous correspondents of the same circle speak of Mrs. Delany to one another as warmly as in their letters to herself; and even her husband and her brother-in-law, notwithstanding their opportunities of close acquaintance, concur in the opinion that she is the most faultless of women. Her own unaffected enjoyment of pleasure in youth, and of society in middle age, shows that her disposition was healthy and natural

\* *Autobiography and Correspondence of Mary Granville (Mrs. Delany): with Interesting Reminiscences of King George III. and Queen Charlotte.* Edited by Lady Llanover. London: Bentley.

as her moral judgment was sound. On the whole, it may be said that no more agreeable collection of miscellaneous gossip is to be found in biographical literature. Nor should the remarkable industry and zeal of Lady Llanover be passed over without due recognition. Few editors of more ambitious memoirs have been as careful to set forth the pedigrees and alliances of the numerous persons who are mentioned in the letters. In her occasional remarks appended to the correspondence, there is an antique simplicity and a good faith which render the notes as amusing as the text. When Mrs. Delany, sharing the opinions of the time, commends her sister for whipping her little boy, Lady Llanover indulges in a pathetic lamentation over the growing disregard of Solomon's precept. A pensive letter from Ann Granville suggests to her descendant a serious inquiry as to the causes which might have depressed the spirits of a young lady living in Gloucester a hundred-and-thirty years ago. The modern visitor to a country town has only to look down the street if he wishes to comprehend the melancholy of the more sensitive inhabitants. The curious topographer or antiquarian will do well to investigate a proverb quoted somewhere in the correspondence, which ascribes a peculiar divine presence to the same cathedral city.

Mrs. Delany was fortunate in her opportunities of intercourse with some of her famous contemporaries. Her cousin, the Minister, Lord Carteret, and his fierce old mother, Lady Granville, are often introduced in the story. Occasionally she reports the kindness of Mr. Handel in coming to play his new pieces on her harpsichord, and her laudable partisanship for the great composer in his competition with the rival manager at the Haymarket induces her, on one occasion, to assert his superiority in a letter to Swift. It is not impossible that the famous contrast of Tweedledum and Tweedledee may have been called forth by Mrs. Delany's unreciprocated enthusiasm; but Swift liked her too well to answer her in a tone of ridicule. His letters are full of regret for the decline of cheerful society in Dublin, where, he says, that no one regards him, except his old friends the rabble, "and I return their love, having nobody else to care for." He cannot go to London, because his income will not allow him to live there comfortably; "and I cannot now live about, as I used, in lodgings, with bad beds and bad cookery, nor can I put up with port wine and Porter's ale." The inchoate form of the worldwide name of porter, and the practical illustration of the exclusion of claret from England under the Methuen treaty, are curious and striking. The acquaintance with Swift originated in a visit to Dr. Clayton, Bishop of Killala, who maintained a splendid establishment in Dublin. In the letters written during a subsequent residence at his see, there is an amusing account of some local races at which the bishop's lady appeared in her state coach, drawn by six Flanders mares. Afterwards, the ladies sat on arm chairs in the street, while rustic games were performed by the populace. In those happy days there was neither a *Record* nor a Dr. Cullen to stigmatize the worldly occupations of Protestant prelates and their wives. Mrs. Pendarves (afterwards Mrs. Delany), also paid a visit to Mr. Wesley of Dangan, a gentleman remarkable for his agreeable manners, for his performance on the fiddle, and for his pedigree as representative of the hereditary standard-bearer of Ireland. It is equally worthy of remark, that his son, afterwards raised to the Irish Peers as Lord Mornington, was the father of the Duke of Wellington. Mrs. Pendarves thought at the time, or in later years believed herself to have thought, that the wisest and best of all men whom she had known was Swift's friend Dr. Delany; but it seems that no tenderer sentiment mixed itself with her admiration, for she records as an ordinary event Dr. Delany's marriage, during her stay in Ireland, with the wealthy widow, Mrs. Tennyson. During her own first widowhood of twenty years, she habitually expresses a doubt whether either husbands or children are, on the whole, to be regarded as advantages. One lover only, Lord Baltimore, might apparently have turned the scale in favour of matrimony, if he had not eventually preferred a rival who was probably her inferior. Her friends reproached her for her imprudence in rejecting Lord Tyrconnel's great estate, but she explains in an apologetic tone that the property was encumbered with an owner, and that she has a personal objection to a fool. Her early experience of marriage, and her enjoyment of the liberty which followed its dissolution by death, may probably have biased her otherwise excellent judgment.

In an autobiographical fragment, addressed to the Duchess of Portland, Mrs. Delany records her descent and early life with a whimsical adoption of the tone of an obsolete romance. Her father, Colonel Bernard Granville, younger brother of Lord Lansdown, was grandson of Sir Bevil Granville, and of a sister of General Monk's. His eldest son, Bernard, ultimately inherited Lord Lansdown's estate, and a third of the property of the Dukes of Albemarle; but when his children were young, Colonel Granville was in needy circumstances; and as a Jacobite he was excluded from the ordinary resource of a sinecure or of a place at Court. Lord Lansdown was himself pinched for money, and unwilling to assist his brother; but he was well inclined to provide an establishment for his niece. Mary Granville, born in 1700, had had a trifling love affair with a neighbouring gentleman whom she calls Roberto; but the suitor was poor, and but moderately respectable; and the young lady was sent on a visit

to Alcander and Laura, or, in the language of men, to Lord and Lady Lansdown. The mistress of the house was selfish, imprudent, and questionable in her conduct; but Aspasia, otherwise Mary Granville, liked and admired her uncle, a good-natured, fine gentleman, still known as a noble poet or poetical nobleman. All went smoothly until Gromio, a Cornish squire of family and fortune, arrived on a visit for the purpose of carrying out a quarrel with his nephew Bassanio, or Bassett, by making Aspasia Mrs. Pendarves. He was old, ugly, and addicted to drink; but he was prepared to take a wife without a dowry, and he intended to leave her his estate. In those days young ladies were seldom consulted on the choice of a husband, and Lord Lansdown took little notice of his niece's reluctance to marry a coarse boor of sixty. It was distinctly understood that wedlock was only a step to happy widowhood, and all parties kept their engagements with tolerable fidelity. Poor Gromio drank harder and harder, but he was kind to his wife; and she conscientiously concealed the aversion which it was impossible to overcome. After three or four years he died, leaving unexecuted the will which he had honestly intended to sign. Bassanio, who had in the meantime frequently offended Aspasia by his attentions, succeeded as heir-at-law to the Cornish estate; but the widow was satisfied with her independent circumstances, and she unaffectedly enjoyed the liberty of her position. Her connexions and her social qualities introduced her into the best society, and her accomplishments provided her with pleasant employment. She had a strong taste for music, and she painted, as it seems, with considerable skill. The style of her letters is easy and tolerably correct, and she took a rational pleasure in reading. Her sister, Ann Granville, as she grew up to womanhood, became her favourite companion and correspondent, and when she married, their affection was neither interrupted nor diminished. The customs of the time are pleasantly illustrated by the account of the match, which is first introduced by an inquiry from Ann Granville, on behalf of a supposed friend, as to the character of young Mr. Dewes. She has heard a good account of his disposition, she knows him to be of good family and moderate fortune, and she understands that he wishes to marry her friend, although they have never met. In a subsequent letter she admits herself to be the principal in the negotiation; and the course of true love runs perhaps the smoother from the absence of personal acquaintance. The marriage proved eminently happy; and Mr. Dewes shared the admiration of his wife for her kind and gifted sister. The modern English belief that love is the indispensable preliminary of marriage has probably never been practically accepted by any other age or country. A large acquaintance with the thoughts and manners of various communities would almost lead a sceptic to the belief that the marvellous possibility of adaptation renders one social system almost as good as another.

At the mature age of forty-three, when the Baltimores and Tyrconnells were probably relaxing in their assiduities, Mrs. Pendarves received a letter which, as preserved by Lady Llanover, may serve as a model for similar compositions. Dessario, commonly called Dr. Delany, wrote to inform her that he was on his way to London for the purpose of soliciting in the gift of her hand a happiness of which he acknowledged himself unworthy. He had lost, he said, a wife whom he loved, and he wished again to enjoy domestic society; he had a good fortune, a fair position, but he was fifty-nine, and old of his age. If she could make up her mind to accept him he would devote himself to her happiness, and he afterwards appears fully to have kept his promise. Her own feelings were favourable to his suit, her aged mother was easily induced to consent, but her brother strongly disapproved a match which he regarded as disparaging to her family. Dr. Delany, in a second letter, advised her to follow her own judgment, wheresoever she owed no obedience to another, and Mrs. Pendarves sensibly took his advice, though she deeply regretted the subsequent coldness of her brother. From this time to the end of the period included in the present publication, she lived chiefly at her husband's pleasant country house of Delville, in the neighbourhood of Dublin. From Lord Carteret she procured for him the Deanery of Down, and but for the fall of the Minister she would soon have made him a bishop. There was, however, little to regret in the failure to attain a dignity which would have removed them from their hospitable villa, though it would probably not have interfered with their annual visits to England. The eighteenth century was the golden age of official persons in the Church, as well as in the State, and a dean with a good fortune and a wife of high connexions might have pited the conventional restraint and the pressure of trifling business which disturb the dignified repose of a modern bishop. Dr. Delany himself seems to have been exceptionally attentive to his clerical duties, for, during his residence at Down, he not only preached in the cathedral, but made himself personally acquainted with all classes of the townspeople. His wife identified herself with all his pursuits and duties, and he allowed her absolute control over all household and social arrangements. It is pleasant to follow the history which Lady Llanover has preserved, as the lively girl and graceful young widow retains her cheerfulness when she has sunk into the middle-aged wife of an elderly clergyman. Her experiences of Royalty will scarcely be as attractive, for George III. and his Queen were duller than the friends of her youth, and old age, however becomingly borne, is venerable rather than amusing. Conscientious criticism cannot

but repeat the objection that an undue space has been allotted to the memory of an obscure individual, but a book which may always be opened with pleasure will provide for itself a plausible apology.

## ANCIENT LAW.\*

THIS volume will mark an era in the history of jurisprudence. When it makes its way among the jurists of the Continent they will find in it some ideas with which they are familiar; others for the reception of which they are prepared, many substantially or absolutely new to them, and they will find them all exhibited in a shape which is a greater novelty abroad than any of the contents of the volume can be. Mr. Maine's book is evidently the result of much thought on very difficult subjects; it is full of recondite and various learning, and abounds with the suggestions of a most prolific and subtle ingenuity; and yet the discourse is made to flow on in an easy and lucid current, and the discussion of separate points is always kept subordinate to a whole that seems simple and intelligible. There are many things in Mr. Maine's volume that are not to be found elsewhere; and the things that could be found elsewhere are only to be found in disconnected treatises, buried in cumbrous disquisitions, or scattered at random through the most various authorities. For the amount of matter brought together in a compact and intelligible shape, the work has, so far as we are aware, no rival in the juristic literature of the Continent. But, in England, it stands absolutely and entirely alone. This is not saying much, for jurisprudence is a study that has hitherto found very little favour here. But the character of the work may do very much to augment the slight interest which the subject is beginning to excite. It is not only that the book is too important from its range and power to be neglected, but it is the first attempt we have had here to apply the historical method of inquiry to jurisprudence. Bentham recast, or perhaps began English jurisprudence by opening a new field of inquiry in the investigation of the ends which laws are intended, or are competent, to promote. Mr. Austin followed substantially in the same path, although his special turn for examining the terminology of law has given an original value to the fragment which bears his name. But the history of jurisprudence was a field absolutely untrdden in England. How our familiar legal ideas sprang up, what was the state of society to which their origin points, what has been in fact the course their development has pursued, what errors have arisen from an ignorance of this historical sequence, are points on which, if we have adequate information, a flood of light is poured upon the jurisprudence and the laws both of the present and the past. On all these points Mr. Maine has now given the English public adequate information, in a form that may almost be called popular, so successfully do the perspicuity of the method and the elegance of the style conceal the complexity, the abstruseness, and the irremovable uncertainty which characterize many of the problems he has attempted to solve. Happily for the interests of jurisprudence, the work is only an application to that study of a great movement of thought which is now absorbing more and more the attention of this generation. In theology, in philology, in metaphysics, we are setting ourselves to apply the historical method. In every department of thought where a comprehension of the past is necessary for a comprehension of the present, we are endeavouring to rid ourselves of the errors which the intrusion of later ideas into the conception of earlier thought has so profusely introduced. When a knowledge of historical jurisprudence is perceived to be inseparable from a knowledge of subjects that are exercising a vast and increasing hold on the English thought of the present day, something like a recognition may be expected of the place which law really holds in the mind of man.

An inquiry into the history of jurisprudence has not long been possible. Until lately, the want of materials would have precluded the success of an experiment which could scarcely have suggested itself before materials were at hand. In order to ascertain the nature of the early society in which our legal ideas grew up, we must have a society to compare with it sufficiently like to furnish a comparison, and sufficiently distinct to have grown up independently. But there was nothing known at all like the society of early Rome in the relations of private law, except the societies derived from or in immediate contact with it. The source that has given us comparative philology has also given us comparative jurisprudence. In India we find reproduced the elements of society which lie at the bottom of the Roman legal system. There we see, not only crystallized in law, but moving and living, the corporate patriarchal family which has stamped on the legal system of early Rome almost all its main peculiarities. The comparison of the Roman and Hindoo families has been to jurisprudence what the discovery of the common origin of Greek and Latin in Sanscrit has been to philology. And directly the beginning of a comparative science was thus made, assistance in working out the conceptions to which it gave rise was received from many different and unexpected sources. The works of MM. Tengborski and Haxthausen showed a picture of the Slavonic family as existing in Russia at the present day, and M. Mikoslawski described its historical course in Poland; and it thus became

evident that the fundamental principles on which the fabric of family life repose in Russian and Polish villages are really identical with those that supported the family-system of Rome and India. The attention bestowed by Mr. Kemble and others on Anglo-Saxon history, and the vast pains taken by the Germans to explore their own antiquities, co-operated with the researches of a leading school of French historians into the early history of the Frank occupation to bring to light the family system, the primeval notions, and the customary laws of the barbarians whose gradual absorption of Roman law has ended in giving Roman jurisprudence so large a control over the thoughts of the modern world and the course of modern history. From all these sources it has become possible to labour satisfactorily in the two great fields of comparative jurisprudence, and to determine first what ancient law was, and secondly what were the steps of transition through which it passed before it reached its maturity. Of law in its maturity we have indeed only one example. The Roman law stands alone; but the systems of other nations made advances which indicate that, so far as they went, they moved along parallel paths.

Mr. Maine has pieced together the information we possess as to the constitution of the patriarchal family, until we have as vivid a picture of it as can be presented in a short space. The comparison of the Hindoo, the Slavonic, the Roman, and the old German families, shows that in the beginning of all that portion of human society to which we can trace our legal ideas, the family was the unit in the state, and not the individual. Properly speaking, the family was the state, for the earliest form of a state is that of branches of the same family. The family, after the state or community was formed, was a corporation represented by a head, and this head alone had a recognised existence in law. The persons, the property, the slaves, all the living beings, all the moveable and immovable things, which together constituted a family group, were absorbed in the chief who represented them. But he in his turn formed part of the family. He did not rule it as a stranger, or as a despot, or as an owner of property in the modern sense. He belonged to it as it belonged to him. He could not alter the course which custom imposed on the transmission of the representation. He could not alienate the property, for it did not belong to him. There were transactions between him and the neighbouring chiefs of families, but they were very few, as each family sufficed for all its own wants; and these transactions were clothed with ceremonies that to a later age seemed unmeaning and cumbrous, but which stamped themselves on the memory and suited the patient and leisurely dignity of a half-barbarous people. That the Roman family was fashioned in this way could have been roughly traced from the records of later law which we possess. But what at best must have been obscure has been made plain by the comparison of the Hindoo family, where the theory of the patriarchal system is carried out in a degree of integrity unknown to Roman law, even in the earliest shape in which we have it. The Slavonic family has also explained to us the steps of transition by which the tenure of property is gradually altered, and what was once communal or family property is appropriated by the individual. Both these family systems carry us back to a parallel period of Roman law that is entirely pre-historic; and thus when we come to the known beginnings of Roman law, we come as it were into the middle of a story of which we have read the first part in another work. Mr. Maine has pointed out, with great felicity, how many vague theories as to the constitution of early society and the origin of legal notions this record of facts dispels. Speculative philosophers of the last century, for example, maintained that all rights of property began in the occupation of convenient squatting ground by individuals; but the early history of patriarchal society shows that individuals never acquired property at all. Theorists in like manner assumed that in the earliest stage of society contract governed everything, and that all rights grew out of an express compact. Facts show that contract had scarcely any place in early society, and that the capacity of individuals to contract was never asserted or denied, because it was superseded by the absorption of the individual in the family. There is no portion of Mr. Maine's book superior to that which contains this refutation of the *a priori* theories of earlier jurists.

When once a clear notion has been gained of the ancient type of the family, and of the legal conceptions involved in its constitution, the next thing is to examine how old law has given place to new, and the ancient system has been expanded to meet the increasing requirements of a progressive society. English law offers in this respect a parallel to Roman law too close to escape the attention of any inquirer. Legal fiction, equity, and legislation, have in both countries furnished the machinery of change, and it was obvious to point out how they have done this. But Mr. Maine has done much more. He has given a new value to the whole subject of legal fictions by showing how very widely they extend, how absolutely necessary they have been, not only for the extinction, but for the preservation, of the family system, and how very natural a mode of thought they are, not only in the infancy but in the maturity of legislation. We can scarcely conceive a system of law which could grow up gradually and yet avoid incorporating countless assumptions known to be false. In discussing the influence of equity, Mr. Maine finds himself necessarily led to inquire into the meaning of that famous term, "natural law," which has enjoyed so long the vague respect of the ancient and

\* *Ancient Law: its Connexion with the Early History of Society and its Relation to Modern Ideas.* By Henry Sumner Maine, Reader of Jurisprudence and Civil Law at the Middle Temple. London: Murray. 1861.

modern world. Mr. Maine adopts to the full Mr. Austin's opinion, that the natural law of the jurists was derived from "certain muddy hypotheses of certain Greek philosophers." Whether Mr. Maine is right in his account of the origin of the Roman conception of natural law or not, no one who is acquainted with the literature of the subject can fail to admire the ingenuity with which the influence of the oldest Greek speculation on the physical world is connected, through the Stoics and the Antonine jurists, with the errors of those modern writers who have striven to found certain views as to the earliest form and true basis of human society on deductions drawn from what they understood to be meant by natural law. It does not often fall to the lot of an author to have so keen and so complete an intellectual triumph as the demolition of these theories has offered to Mr. Maine. He appears to bear an almost personal dislike to natural law, and to all who have used or reasoned on a term so perplexing and undefined; and comparative jurisprudence has put into his hands an instrument by which these theories are absolutely demolished. When a theory assumes the shape of an opinion, nothing can be done but to oppose another opinion to it; but when a theory describes a supposed state of facts, any one who can show that the real facts are quite different has it all his own way.

The subject of the development of ancient law leads the jurist into numberless branches of inquiry, and Mr. Maine takes in order the more important. To state what he says, and why he says it, would be merely to give an analysis of his book; and the book, to be appreciated, must be read, and not analysed. But there are a few ancillary subjects into which he has been led to enter by the topics properly belonging to his scheme, and the importance of his work cannot be estimated unless the value of these episodical discussions is taken into account. It is, however, only as compared with the main thread of the discourse that they can be called episodical, for they are all pertinent illustrations of points he has necessarily to treat. The remarks on the origin of the feudal system scattered through the volume appear to us the most valuable of these subsidiary discussions. There are three features of the feudal system which Mr. Maine has handled in a manner equally original and satisfactory. Perhaps approaches to the position may be found in Continental writers, but no one, so far as we are aware, has pointed out so clearly and fully as Mr. Maine that the true meeting-point of the Roman and the feudal systems is to be found in the double ownership established by the emphyteusis of the later empire, and especially by the form which this mode of holding land assumed in the military colonies which bordered the Roman territory. An illustration of the origin of feudal primogeniture which Mr. Maine gleans from Hindoo law is, we believe, wholly new. In India, primogeniture is altogether an exception, but it is the custom of descent where the holder of the land has a political character. Feudal primogeniture, as Mr. Maine suggests, may in the same way have arisen, not from any wish to favour the eldest son, but merely from the necessity, in an unsettled state of society, of having a head who could be recognised both by his dependents and his neighbours. When, however, the position of this head of the family came to be expressed in the terms of the later Roman law from which all the notions of corporate ownership in a family had been gradually eliminated, the head or defender of the family was treated as entitled to the domain of the land which he guarded, just as the Highland chiefs were constituted owners of their tribal lands when their rights began to be expressed in the terms of Lowland law. Equally striking is the mode in which Mr. Maine shows the relation of contracts to the feudal system. It was, he remarks, because Roman law had disclosed the subtleties and varieties of which contractors are capable, that feudatories, in making the bargains by which the feuds were created, admitted such an endless variety of terms into their arrangements, and thus introduced into feudalism many of those irregularities and local variations which have contributed so largely to the vitality of modern society.

This volume will, we may be sure, henceforth form a text-book for all English students of jurisprudence. It is in every way deserves to do so. It presents elementary ideas in a distinct shape; it shows how endless are the ramifications of the history of jurisprudence which can be followed by learned ingenuity; it handles law in a large and free spirit; it clears up points as to which an obscurity prevails in the minds of many writers and readers; and it is written with singular clearness and with a most remarkable command of metaphorical language. It will, however, fall short of the effect it is calculated to produce if it is accepted blindly and without inquiry as a text-book. Its lucidity and variety are admirably suited to inveigle a casual reader or a beginner into the study of its contents; but no perusal of the work can do much good unless it leads the reader to see how great are the difficulties over which he is tempted to pass lightly and cheerfully. The form of the work increases these difficulties, although it has the surpassing merit of being probably the only form in which the subject could have been fairly presented to Englishmen possessing an ordinary degree of higher education. It is without notes. The most various points are discussed very briefly, and a definite opinion is unreservedly expressed. In writing thus Mr. Maine has shown excellent judgment. It was only in this way that he could establish the proper position of jurisprudence in the minds of his countrymen. If he had produced his evidence, if he had guarded his expressions, if he had

anticipated objections, he would have produced a series of bulky volumes that would have been relegated to the studies of the very few persons who already take an interest in the subject. But when a book, written as this is written, is used as a text-book, care ought to be taken to show how very slight the evidence frequently is on which any opinion as to the details of the history of jurisprudence can be grounded, and how many conflicting suggestions we must reject before we can give an assent to what Mr. Maine says. He is also often obliged to speak positively where considerable limitations ought to be introduced, in order to fill up all that can be said on the subject. We will give one or two instances of what we mean, only premising that we are commenting on what we think might mislead hasty readers, and not on what we consider errors in the book.

A striking example of the wrong conceptions that may easily be drawn from statements narrowed to meet the exigencies of a particular kind of writing may be found in the impression which a portion of the first chapter of this volume would, we think, be apt to convey. Mr. Maine is speaking of early codes, and he remarks that the Romans had their code of the Twelve Tables at a relatively earlier period of their history than the Hindoos had the code of Menu; and that, as the tendency of a code is to fix the law at the point where it is resting at the time when the code is made, it was a piece of great good fortune for the Romans to have their code drawn up before those false analogies and depravations of commendable customs began to tell on them which plunged the Hindoos in the abyss of ceremonial observances and caste. A person who was not acquainted with the history of Hindoo law, and who did not pause to reflect, would, we think, conclude that Mr. Maine means to say that the accident of having no code drawn up at an early period of their history was the chief reason why the Hindoos came under the bondage of caste. There is, we believe, no evidence to support this proposition. Caste sprang from the application of a theological theory to account for the existence of different grades in society. It is in vain to attempt to penetrate into the causes which predisposed the Hindoo mind to think this theory a true one. But if the theory was once accepted, there is no reason to suppose that any code embodying previous conceptions would have prevented its being applied. Nor, as a matter of fact, do we find that a code presented itself as something unalterable and final to the Hindoo. The laws of Menu, if they are to be called a code, were but one link in a long chain. There were many accepted legal compendia before them, and a still greater number after them, and the system of caste pervaded the series with very different degrees of rigour. The history of Roman jurisprudence also shows how little the existence of a compact and organized body of even mature and scientific law can resist the inroad of new theological thoughts. Christianity altered fundamentally the mode in which many of the elementary relations of life were regarded. The Roman law for a long while ignored the change, then partially adopted it, then lost its own recognised pre-eminence as the Western world fell more and more under the dominion of the new religion. It is impossible to accede to the proposition that a legal code can determine the theological thought of a nation. Mr. Maine, we may venture to guess, did not mean to say that it could. Probably his object was only to show that the existence of a code must exercise some influence over the thought of a nation; but his language might naturally betray a reader into supposing that much more than this was meant.

As Mr. Maine has wisely set himself to explain, concisely and effectively, the results that have flowed from the old constitution of Roman society, and from the peculiar agencies that changed it, he for the most part confines himself to matters which will bear directly on his main subject. He seldom lets go the thread which connects the old Roman law with modern society. But in order to impress more strongly on his readers what has happened in this historical sequence, he occasionally hints that the results we have arrived at could have been obtained in no other way. He makes a kind of general law out of the facts of the particular case. Perhaps he does not ever do this in a way which cannot be so construed as to be free from objection. But he occasionally does it in a way that might be misinterpreted. He instils a persuasion that it is only by inheritance from the Romans that modern society could have obtained some of what now seem the simplest legal notions. There is not, we think, nearly sufficient evidence to establish this. That a nation, if it was progressive at all, would strike out many of these notions for itself, is antecedently probable, and is, in a great measure, proved by facts. There are parts of Mr. Maine's book where we could have wished, for the sake of fuller discussion, that he had taken into account the two systems of law which stand outside of the Roman and its allied and descendant systems. Greek and Mohammedan law cannot pretend to rival Roman law; but they were advanced enough—especially the latter—to show that some, at least, of the more advanced legal notions of Rome could be attained independently. The only reason why Mohammedan law stopped short appears to be that Mohammedan society would not advance sufficiently to make a further legal advance possible.

Lastly, we may notice that a hasty reader might be induced to form a wrong estimate from Mr. Maine's book of what the historical method can do. It can show what men have thought, but it cannot show whether what they thought was right, with the single exception of the case in which their thoughts assumed the direction of a representation of past facts. Let us take

the instance of natural law. The historical method can show that the Stoics meant one thing by natural law, that the Antonine jurists meant the same or a second thing, that modern writers mean the same or a third; but it cannot possibly show that all, or any one of the three sets of persons held a false or a true opinion. It appears to us that expressions which Mr. Maine casually uses might lead persons into an error, from which, of course, a writer of Mr. Maine's accuracy and width of reasoning is himself free. It might be thought that this investigation of the history of opinion proved that there is no sense in which natural law can properly be spoken of as existing. This may be so, but no investigation of past opinion can possibly show that it is so. Natural law has been mixed up by particular writers with a theory as to the nature of primitive society, and all that an exposure of the falsity of this theory does is to terminate an association which can easily be stripped off. The main notion involved in natural law has been very differently expressed in different philosophical systems, and when we arrive at what the main notion is, we cannot get rid of it by examining how, in any one instance, it has happened to be expressed. Bentham attacked the truth of this notion. His whole philosophy went upon a radically inconsistent assumption. But Mr. Maine does not propose to enter on such questions as the origin or tests of morality. His business is merely to state what views, within the field of jurisprudence which he has marked out for himself, have been held on these, among other questions. One of the very best features of his work is, that he has known how to confine himself within a definite field, and it would be doing him a great injustice if any casual expressions were hastily construed into showing that he was inclined to leave it. In conclusion, we must add, that this volume appears to us to afford the highest possible testimony to the system of instruction which the Inns of Court have instituted. It is scarcely probable that Mr. Maine would have exercised the deep and searching thought, or accumulated the store of varied learning necessary for the production of this volume, had not his position as Reader in Jurisprudence led him to do so. The tree must be worth something when this is the fruit.

#### BUSH LIFE IN AUSTRALIA.\*

THOUGH the author announces himself on his title-page as a naturalist, he takes care subsequently to disclaim any pretensions to a scientific acquaintance with either the animal or vegetable productions of the countries he describes. He knows little, and cares less, about the Latin names of birds, plants, and reptiles, or the distinctive classes to which philosophers assign them. His researches were conducted almost exclusively with a view to the destruction of the objects of his attention; and the one thing he can tell us about every sort of Australian creature is the safest, quickest, and most sportsmanlike method of putting it to death. "Put her down till I kill her," is said to have been the polite request with which a juvenile Celt lately greeted the appearance of a younger sister; and in the same way the author's one aspiration for the various tenants of the woods and forests of Victoria was that their bad fortune might tempt them within reach of a fowling-piece, which seems very seldom indeed to have been fired in vain. The story, however, is told with an agreeable manliness and simplicity, and gives a curious view of one phase of colonial existence. After the first fever of the gold-diggings was over, a large number of adventurers found themselves none the richer for the treasures which had fallen to the lot of more fortunate searchers, and considerably at a loss as to any satisfactory means of securing a livelihood. The surrounding wealth made poverty all the more inconvenient. Land, which a few years before had been sold in Melbourne for 5*l.* an acre, was now in the market, as frontage, at 2*l.* per foot. Other expenses had increased proportionately; and poor men saw at once the undesirability of a continued residence in a city of millionaires. Many of them—and amongst others the author—whose roaming habits had unfitted them for a settled life, took cheerfully to the bush, and resolved to trust to stout limbs and an accurate aim for their future subsistence. He was lucky enough to find a congenial companion, and the two sportsmen roughed it together under the same canvas for four years, with the utmost contentment and mutual satisfaction. "The gun had often brought both of us to grief in the Old World, so we agreed that for once it should help us out in the New." And they certainly had no reason to repent of their resolution, for though the absence of the finer sorts of wild animals robs Australian sport of the pleasurable excitement of personal danger, though the scenery is often monotonous, and the shooting grounds wearisomely far apart, though the sportsman is scorched in summer by a pitiless sun and dry hot winds, and is forced in winter to wade for mile after mile through muddy swamps, yet the climate is so extraordinarily fine, and the supply of small game so continuous and abundant, that we are hardly surprised to find the author looking back with regret to the rough enjoyments and unconstrained habits of his bush life. As to healthiness, indeed, Australia seems a perfect Paradise of salubrity. Nature offers her gifts without any of the drawbacks by which they are attended in less favoured regions. "The heat brings no fevers, the rain no agues,

the cold no consumptions—the rivers are not bordered by miasma, the bush is free from forest poison." With a few matches and some tobacco the bushman may safely encounter the roughest weather. Night after night, the author says, he has, when thoroughly soaked from flight-shooting, thrown himself down in his wet clothes on the tent floor for a few hours' sleep, and never found himself any the worse for it the next day. A camp fire for warmth, and a saddle or heap of game for pillow, are refinements to which only the most luxurious bushmen aspire. Shooting is of course the great idea of life, and a man's gun is always considered the most characteristic thing about him. People used to be distinguished not so much by personal peculiarities as by such descriptions as "used to shoot with an old double Joe Manton," or "Had a long single Rigby," or "Shot with my Purday," and the author says there are garrulous old gentlemen at Melbourne whose infirmities do not prevent their fighting their battles once more in imagination, and who contend desperately among themselves for the traditional honour of having been the first duck-shooter in the colony.

The Victorian forests are thick, gloomy, and monotonous. "Old gum and huge iron or stringy bark trees, which have braved the storms of centuries, stand out in bold relief from the deep evergreen of the cherry, the light foliage of the wattle or blackwood trees, and 'the mournful weed-like appendages' of the sheoak." Sometimes the traveller comes upon barren plains of several miles extent, or morasses across which not even the light foot of the native can venture, or upon sandy moors, clothed with coarse stunted heather. Though the open gullies are crowded with shrubs, the forests themselves have but little undergrowth, and the ground is strewn with fallen logs and branches that lie rotting in the sun. Scarcely any Australian timber is good for carpentering purposes; it is so hard and stringy, and splinters so easily, that it can scarcely be employed except for posts and rails, or for large slabs used in building log-huts. The invaluable European pine is here unknown; and as the British trees hitherto introduced have done extremely well, it is to be hoped that the colonists will be encouraged to take measures for securing to the next generation so precious a source of national wealth. Nothing at first more surprises the settler than the small degree of difference which the alternations of the seasons make in the appearance of Australian scenery. All the trees are evergreen, and winter is recognisable only by the leaves lacking the green freshness of each spring. At this season, too, "the trees shed their bark, which hangs down in long strips, waving to and fro as the wintry wind whistles through the forests with a low mournful wail." A few creepers and wild flowers do something to relieve a scene which would otherwise be distressingly dreary. Sometimes a patch of pink and white heather breaks suddenly through the surrounding gloom; the wild orchis and geranium are more or less common throughout Victoria, and the white lotus is found in the water-holes and creeks, and a large star flower, in the greatest profusion, by many of the mountain streams. The wild fruit-trees are excessively unsatisfactory. The native grape seldom exceeds the size of a black-currant, while the cherry is little larger than an apple-pip, and is only noticeable for the peculiarity of having its stone upon the outside.

Much of the author's time was employed in killing kangaroos, and he made some curious observations on their habits. At first the young one lives almost entirely in its mother's pouch, and even after it can run, tumbles head over heels into it at the least approach of danger. The mother can pick up the young when running at full speed, and if pressed by pursuers will carry it till the instinct of self-preservation masters that of maternal love. The author once saw an eagle-hawk chasing a doe kangaroo, which it scarcely dared attack, but which it knew would, when exhausted, abandon the young one she was carrying off in her retreat. The best way of getting them is by driving the woods. Several parties sometimes join, so as to get the benefit of the same dogs and driver; the shooters are stationed in runs one hundred and fifty yards apart, and are bound to remain absolutely motionless till the kangaroos are well within shot. A mounted driver then chases the kangaroos in the direction of the sportsmen. "On they come, crashing through the timber like a troop of cavalry, and 'bang, bang,' puts every one on the *qui vive*. Sometimes the mob breaks the line at one point, and only one man gets a shot; but after the first shot they often divide, and run right down the line, when every gun pours in its broadside." On one of these occasions, the author saw his companion make what he calls a first-rate "family shot." He fired right and left into a mob as it came up, and knocked over four does, three of them with their young in their pouches, so that in all he bagged seven kangaroos. But the best sport of the colony is duck shooting. The infinite number of creeks, water-holes, and morasses with which parts of Australia abound, is of course extremely favourable to this pursuit, and a large variety of birds are found in great abundance. The water-holes are generally walled in by an almost impenetrable screen of tea-trees or reeds; the experienced shooter soon finds a cattle-track, and creeping down it comes suddenly upon a clear expanse of water, upon which a score of ducks are either floating lazily about or sleeping in the sun. The next process is of course to fire well into the middle of them, and send in a trusty retriever to prevent as many as possible of the wounded birds from effecting their escape into the tangled brake. A good night's flight-shooting is, however, the amusement upon which the Bushman looks back with the fondest regret, and he grows quite romantic in describ-

\* *Bush Wanderings of a Naturalist; or, Notes on the Field Sports and Fauna of Australia Felix.* By an Old Bushman. London: Routledge and Co.

ing its charms. In perfect solitude the sportsman keeps his watch by some favourite feeding-ground; the moon is just on the wane, everything is still but the occasional cry of some night-bird, the whistle of a pair of ducks overhead, or the pertinacious croaking of a colony of frogs. All at once there comes a splash into the water, the frogs are instantaneously silent, and the sharp quacking which ensues announces the arrival of the wished-for prey. The sportsman waits till the ducks pack themselves advantageously, and then the heavy boom of his gun rings through the swamp and sends up a host of startled birds into the air that were feeding around him unperceived. The ruthless destroyer knows all their call-notes, and mentally signs the death-warrant of each. "The soft musical hoop of the black swan, the sharp loud quack of the black duck, the hoarse croak of the mountain duck, the snort of the shoveller, and the shrill call of teal"—all are but so many dirges for the sad fate which is awaiting the doomed community. Presently tranquillity is restored, the booty is collected, the guns reloaded, and the pipe relit, and the destroyer resumes his post of observation, and watches in triumphant patience for the certain arrival of a fresh batch of victims.

#### CLIFFORD ON "THE GREATEST OF ALL THE PLANTAGENETS."<sup>\*</sup>

IT was a great day for Hume when Mr. Hallam spoke of him as "the first writer who had the merit of exposing the character of Edward I." So far as the compliment is deserved, Hume was guided to the truth, not by the light of industry and historical criticism, but by that of Scotch prejudice against the invader of Scotland. The value of his critical researches into this period of history is settled at once by his countenancing the story of Edward's massacre of the Welsh bards—a piece of carelessness, or rather of indolent injustice, singularly disgraceful, since not only is the story unsupported by any shadow of contemporary evidence, but it also happens that no centuries were more prolific of the nonsensical rhapsodies of the bards than those which followed their alleged extirpation. However, time and labour enough—and more than enough—have been spent in confuting Hume. He is honoured far above his deserts in having his loose notions combated, as they are, expressly or tacitly, through a considerable portion of Mr. Hallam's *Constitutional History*. The time is come when, due credit being allowed him for the purity and gracefulness of his style, he may be set down in other respects as simply worthless, and ignored in all future discussions. A century hence, probably even the University of Oxford will remove him from the list of standard writers which she recommends to students. About the same period she may be expected to discover that England had a history before the Norman Conquest.

Mr. Augustus Clifford undertakes to clear the memory of Edward I., not only from the charge of injustice and cruelty in the cases of Scotland and Wales, but also from that of arbitrary tendencies in his domestic government. As regards Scotland and Wales, we are disposed, to a great extent, to accept the vindication; and even as regards the charge of domestic tyranny, though we cannot go the whole length with Mr. Clifford, we admit that some impression has been made. The substance of his case, as regards Wales, is that Llewellyn, as a great vassal of the English Crown, had been guilty of repeated acts of contumacy in refusing to attend the lawful summons of his suzerain, that he had justly forfeited his fief according to the international law of that age, and that he was treated by Edward with great mildness and forbearance. More than two years were employed in endeavours to bring Llewellyn back to his duty as a vassal by gentle and courteous means. War was then declared against him; but when he had been reduced to sue for peace, not only were mild terms granted, but much was abated even of those mild terms by the generosity of the conqueror. The fine of 50,000*l.* was remitted, the stipulated tribute for Anglesea given up, the hostages restored. Hume suggests that the fine was remitted because "the poverty of the country made it impossible that it should be levied." But Mr. Clifford observes, with great truth, that a designing conqueror would have retained Llewellyn as his debtor, and exacted a cession of territory on default of payment of the debt. No Welshman will agree with us, but we are disposed to think, with Mr. Clifford, that "Edward's real purpose was to make Llewellyn his loyal vassal and friend." It seems to us a just observation, though pressed rather too far, that when Llewellyn's brother and enemy, David, was brought by the King to England, and created an earl, with a great estate and an earl's daughter in marriage, so as to make him, by interest and connexion, an English noble, proof was given that the King had no sinister design of playing off one brother against the other. Had there been such a design, David would have been subsidized no doubt, but he would have been left in Wales, instead of being thus taken out of Llewellyn's way. Celtic levity, unveracity, and belief in prophecies, ultimately drove the two brothers on their ruin. The cause for which David was condemned and executed would have seemed sufficient to any jurist or moralist of those times. The complicated punishment of hanging, disembowelling, and quartering, to which he was sentenced for his various offences of treason, murder, sacrilege, and conspiracy, would seem as unnatural

and regular then as it seems revolting now. It is absurd to fix on Edward, individually, a charge of peculiar barbarity on the account. On the other hand, it is not rational to cite the separate interment of different parts of Queen Eleanor's body as a parallel to her son's husband's dismemberment of his rebellious vassal. It will be argued by Mr. Clifford's opponents that he assumes the feudal obligation on the part of Llewellyn to have been somewhat more distinctly admitted than it was, and that he generally treats the Celtic principality too rigorously as a territory governed, as to the rule of succession and otherwise, by the principles of the feudal law. Hume probably calls David "a sovereign prince" at a venture. But we apprehend he might very well have been accepted by the Welsh as their sovereign, even though his elder brother "had not died childless." The settlement of Wales, after its annexation to England, was conducted in a statesman-like and beneficent spirit, and after a careful inquiry into the native laws and customs of the people. None but very fanatical devotees of "nationality" can doubt that the annexation itself, putting an end to incessant raids on the one side and retaliatory invasions on the other, while it was a benefit to the stronger, was an unspeakable benefit to the weaker nation.

As to the matter of Scotland, it has always seemed to us that, regard being had to the circumstances and sentiments of that age, Edward's conduct was as defensible as his ambition in desiring to unite the whole island and put an end to border wars was rational and beneficent. The most questionable feature in it is his taking advantage of his position as an arbiter to obtain *pendente lite*, from the suitors for the Scotch crown, a recognition of his doubtful claim to the feudal sovereignty of Scotland. The arbitration itself was certainly not undertaken by him without due invitation. The Bishop of St. Andrew's, the first of the four guardians and representatives of the kingdom, wrote to him "entreating him to approach the Border, to give consolation to the people of Scotland, to prevent the effusion of blood, and to enable the faithful men of the realm to preserve their oath, by choosing him for their king *who by right ought to be so*." The "great army" which Hume asserts Edward to have carried with him to the meeting at Norham—thus "betraying the Scottish barons into a situation in which it was impossible for them to make any defence"—vanishes, under the critical examination of Mr. Clifford, into the elements of which Hume's facts are commonly composed. The acknowledgment of the feudal supremacy of the King of England was not made by the Scottish barons under duress, though it was made in expectation of his award, and is somewhat tainted on that account. No satisfactory proof can be adduced of any intention on the part of Edward to disturb the continuance of the Scottish royalty, which he left unmolested for four years, and with which he then interfered on sufficient feudal grounds. The justice of his decision as arbiter in favour of Baliol is not questionable; and that he should have decided justly is a considerable proof of his good faith in the whole transaction. Had his designs been sinister, his policy would have been to set up a usurper, whose only title would have been the protection of his patron, or even to have embraced the doctrine that the kingdom of Scotland was divisible between the three female lines, and to have weakened it fatally by division.

We presume Mr. Clifford will never think of venturing his person north of the Tweed after his handling of Robert Bruce and "Walleyes, or Wallace." He, however, makes out a strong case for pronouncing Bruce, who was the first to acknowledge the feudal superiority of Edward, not the patriot leader that our fancy has painted him, but a Norman adventurer on the look-out for a kingdom, which he most gallantly and skilfully won. It is a still unkindest cut to make out that the victor of Bannockburn was more a Yorkshireman than a Scotchman. The magnitude of Wallace's glory had already been considerably reduced by the criticism of Lingard. The "Lion" appeared in only two battles—that of Stirling, which he won, with small exertion of military genius, through the insane presumption of the English commanders—and that of Falkirk, in which he was utterly defeated, and sank to rise no more. He is more than once compared by Mr. Clifford to Nana Sahib, and unquestionably the atrocities laid to his charge will bear a comparison with those of Cawnpore. In Wallace's raid on the northern counties of England, neither age nor sex was spared. English men and women were made to dance naked before the "hero," while he pricked them with swords and lances; infants were slain at their mother's breasts, and a whole schoolfull of boys was burnt alive. Priests and monks were involved in the general massacre. Hume speaks philosophically of these exploits as "some acts of violence committed during the fury of war," but Scottish minstrels celebrate them in a simpler strain. The death of Wallace in the national cause has naturally exalted his name and extenuated his atrocities in the eyes of his compatriots; yet to treat him as a national hero is to condemn the Scottish nation, who unquestionably left him, in the crisis of his fate, without sympathy or support. In excepting this bloodthirsty "patriot" from his magnanimous clemency, Edward was certainly justified by the sentiment of his own age. We expect some Scottish champion to take up his pen against the iconoclast of Scottish heroism, and in the meantime hold our judgment somewhat in suspense.

The garrison of Stirling, under Olyphant, held out against Edward for three months after the complete submission of the rest of the kingdom and its authorities, as private adventurers; and after a difficult and expensive siege, were compelled, by the

\* *The Greatest of all the Plantagenets. An Historical Sketch.* By Augustus Clifford. London: Bentley. 1860.

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minence of an assault, to surrender at discretion. Edward spared the lives of the whole garrison, with the exception of one English traitor found among them, and only ordered them into temporary confinement, "without chains." History may contemptuously permit prejudice to stigmatize this conduct as "ungenerous." What would be said if the governor of Messina were to hold out for several months on his private account, and cause great expense and effusion of blood, after the flight or abdication of Francis II.?

With regard to domestic affairs, Mr. Clifford fails to convince us that Edward did not display some arbitrary tendencies and do some despotic acts, or that those who withstood him encroached, even though they may have been actuated by somewhat narrow motives, did not deserve well of their country. It would have been strange indeed if a ruler and legislator called upon to contend with a very anarchical state of things had not sometimes, in quelling anarchy, laid a threatening hand on liberty, or if a man inspired with vast and, on the whole, beneficent designs, had, in carrying his designs into effect, always respected the forms of a half-settled constitution. Mr. Clifford does not fail to convince us that Edward on the whole showed a true and noble sympathy with open councils and the spirit of free institutions, and that he is entitled at least to divide the political glory of Simon de Montfort as the founder of a national representation. The greatest blot on his escutcheon is his application to the Pope for a bull cancelling the concessions respecting the royal forests to which he had perhaps improvidently bound himself in 1301. In this instance perhaps alone, amidst a treacherous and intriguing generation, he was false to his own indignant motto, *Factum serva*. Mr. Clifford, while disclaiming any intention of justifying this proceeding, does, in effect, justify it as a "conscientious" and "honest" action according to the measure of moral and religious light which Edward, in a Papal age, possessed. But this is to resign the claim to a morality and a sense of honour superior to those of his age which Mr. Clifford has advanced on behalf of the great object of his admiration, and, as we think, justly advanced.

We should not do justice if we were to conclude without a general acknowledgment of the value and interest of this work, which will take its place among the best essays (it is rather an essay than a "sketch") on special periods of English history.

#### THE HORSE AND HIS RIDER.\*

THIS is a very unsatisfactory book. The author neither has nor pretends to have any special knowledge of his subject, and for want of it he has strung together a number of observations on horses, riding, and many other things, which he probably considers useful and amusing, but which we must honestly pronounce to be trivial and tiresome. There is, we think, room for a good book which should appeal to humanity and common sense as the only sure guides in the education and management of horses. It seems to us that Sir Francis Head started on the right track, but he is unable to follow it with steadiness. He proposes, for example, to explain "How to treat a hunter in the field," and he begins in the most distressing manner by a reference to the Ten Commandments. This solemn introduction leads to only two practical remarks—that the rider, if a heavy man, should occasionally dismount to relieve his horse's back, and, if he possesses hack-horses or a carriage, he should cause his hunter to be led by a groom to cover. This, as far as it goes, is good advice; but we really do not see that a new book was needed to promulgate it to the hunting world, and least of all a book which should babble about the coincidence of interest with duty alike in keeping the Decalogue and in avoiding to overwork a horse. We do not think that Moses was at all wanted in this place, and still less do we desire the interference of Diogenes the Cynic, who is the next authority quoted by our author. We are reminded that that philosopher replied to Alexander, "Get out of my sunshine," and the horse, if he could speak, would say, "Get off my back." We might just as well quote Diogenes in support of our own request to Sir Francis Head not to write another book until he has something particular to say. We believe that all hunting men wear flannel shirts, and that some of them wear flannel drawers, and therefore Sir Francis Head's chapter, "How to dress for hunting," appears even more entirely without excuse than others. Nevertheless he might allege that it is desirable that not only some but all fox-hunters should wear flannel drawers, and that he has composed this chapter to that special end. He might also claim an exclusive property in the suggestion which he makes of carrying in the pocket an extra piece of flannel, to be tucked in a very neat manner inside the drawers to protect the thighs, which, as he justly remarks, are very much exposed in riding. We shall not explain the method of tucking in this piece of flannel, for that, we think, would be an unfair proceeding. It is not our practice to pick all the plums out of an author's pudding. Those who want them may go and buy the book. But supposing it to be conceded that the young and thoughtless fox-hunter needs an admonition to wear flannel drawers, let us observe again what an unexpected application of authority Sir Francis Head can make. Moses has already done duty once, and perhaps neither the Law, the Prophets, nor the philosophers can furnish a quota-

tion appropriate to this topic of flannel drawers. However, a nursery rhyme runs thus:—

Whatever brawls disturb the streets, there should be peace at home.

And this verse—which, like those of Pindar, "speaks to the wise, but needs an interpreter to the multitude"—means, when expounded by Sir Francis Head, that although men may differ as to the cut of their clothes, they ought to agree as to the material, which, for inner garments, should be woollen. A house to be peaceful must be comfortable, and to be comfortable it must be warm, at least in the hunting season, which is the winter. Further, a hunting coat is usually either scarlet or green, which colours may, by comparison with quieter ones, be called loud. Lastly, if the shirt be at "home," the outer coat may be said to be in "the street." Thus, on the whole, the above-quoted line comes to mean:—

Whatever coat adorns your back, wear flannel next the skin.

The exegetical process by which this result has been obtained is partly indicated by Sir Francis Head, and has been partly followed out by ourselves. We submit it to clergymen as a good example of how a sermon on any desired subject may always be got out of any text, and we hope that the duty of wearing flannel drawers has now been established on a firm foundation. Man, being an animal, ought to apply animal substances to his skin. This is a general principle which governs the case of underclothing, and also—what does the reader think?—that of hair-oil. The fox-hunter wears a cap, which ought to be of a particular make and material, and under the cap is the hair, upon the judicious treatment of which our author takes occasion to say a few words. The substance of his teaching may be expressed in a hair-dresser's advertisement which we have somewhere seen:—"All vegetable oils are worse than useless." Those who adopt them "desert the animal kingdom to which they belong," and go over to an alien enemy. Nature teaches us to wear flannel shirts and drawers and to rub animal grease into our heads; and thus it appears that the announcement of "another fine bear slaughtered" at a hair-dresser's is of the highest interest to the fox-hunter.

Perhaps it would be a kindness to the author not to notice such a book as this at all. But as we really did expect something better from Sir Francis Head, and as it is likely that the same mistake may be rather widely prevalent, we cannot avoid expressing the disappointment and weariness we feel. The next chapter to that on dress is headed "How to eat and drink for hunting," and it is equally unsatisfactory, although not quite so extravagantly absurd. And yet it is absurd enough in the grave moral tone with which it begins. Pleasures are divided into three classes—"sensual, literary, and religious,"—which may be compared to the three classes of horses found in a hunting stable. Sensual Pleasure may be ridden brilliantly for a short time, and then the rider "comes to grief." Literary Pleasure is the horse that carries his rider well through three-quarters of a good run, and then gives in—perhaps when the votary of this kind of pleasure buys and endeavours to read Sir Francis Head's new book. Religious Pleasure will carry the rider through the hardest run, and bring him safely home. This is the parable of the hunting stable, explained according to our author's classification of its contents. We have ourselves heard of a stud which might be divided into horses which the owner rode habitually—horses which he rode on rare occasions, when he felt unusually courageous—and horses which he dared not even mount. An analogous classification of pleasures into those which men use abundantly, those which they taste sparingly, and those which they never touch at all, would not be nearly so encouraging as that adopted by Sir Francis Head. That moralist does not think mankind so very bad but that he can preach to them with some effect. Accordingly, they are to be instructed how to ride that shaky horse "Sensual Pleasure" to the best advantage, so as to get a good deal out of him, and still not to work him off his legs. They are encouraged to take "a capital breakfast" before, and "a good wholesome dinner" after, the day's hunting; and they are warned against smoking cigars and sucking flat flasks of brandy-and-water at every pause in the excitement of the sport. The sum of the present chapter is that there is too much smoking and drinking among fox-hunters, whose nerves consequently fail early, causing the cessation of their accustomed exercise, and delivering them over as victims to the gout.

It is a pity that what may be a useful warning should be conveyed in silly and affected terms. Instead of "sipping from a tumbler (which for some quaint reason or other happens to contain a silver spoon) something that is evidently very wet and very warm"—why not say simply, "drinking hot brandy-and-water at an inn while the horse takes his gruel"? The gist of the passage is, that through the carelessness of ostlers this gruel is often given to the horse cold, and that the rider should look to it himself. Here, again, is a piece of good but scarcely necessary advice. We should think there are very few masters of valuable horses who would leave them, after a hard day's hunting, to the tender mercies of a strange ostler, in order to drink brandy-and-water at the inn-bar. We hope that such carelessness is only to be generally observed in countries where grog is not wet, and where the association of tumbler and teaspoon is thought "quaint" enough to deserve remark. The majority of Englishmen are, in fact, far more careful of their horses than of

\* *The Horse and his Rider*. By Sir Francis B. Head, Bart. London: Murray. 1860.

themselves. "A pack of young fellows come out here, and they drink and they ate, and they ate and they drink, and they die; and then they write home and say it's the Indian climate as has killed 'em." This quotation from an Irishman's letter from Calcutta is one of the few good things in the book before us. The rider partakes perhaps too freely of rich and varied dinner and of several sorts of wine, topping-up with cigars and grog. The horse has his warm gruel, his bran-mash, hay, and water; and even with this simple food he cannot, like his master, overload his stomach after a long fast, because nature has provided that appetite shall fail when food voraciously eaten would prove injurious.

Non Massica Bacchi  
Munera, non illis epulis nocuere reposte.

These lines are strictly applicable to the high-bred English horses in the stable, but not perhaps to the noblemen and gentlemen in the dining-room. Of course modern fox-hunters do not indulge in the uproarious carousals of a bygone age; but it is possible that "constant slight intoxication, together with a superabundance of rich food," may produce upon some of them, who have no suspicion of the cause, that premature weakness of nerves and stomach which is threatened by Sir Francis Head. Let us listen to this homely preaching against brandy-and-water and cigars, although we looked to see the *Horse and his Rider* go forth upon some grander mission.

#### DIEFENBACH'S ORIGINES EUROPÆÆ.\*

DR. DIEFENBACH'S publications are always welcome to the student of Comparative Philology. His *Lexicon Comparativum Linguarum Indogermanicarum*, published in 1851, and his *Glossarium Latino-Germanicum media et infima atatis*, published in 1857, give evidence of immense reading and of careful research. As books of reference they are invaluable. If we want to know all that has ever been said about any word in Greek, Latin, Sanskrit, Gothic, the Slavonic or Celtic languages—if we wish to trace the origin and relationship of any particle in any one of the numerous members of the Aryan or Indo-European family—we have only to open Diefenbach's *Lexicon*. All the facts are there; and if we are once accustomed to his rather algebraic and somewhat enigmatical terminology, and to his manner of arranging languages and their dialects, we shall seldom consult his pages without finding something useful or suggestive. If we have to complain of anything, it is that Dr. Diefenbach gives too much—though this of course in a dictionary is a fault in the right direction.

Dr. Diefenbach's last work bears the title *Origines Europææ, or the Ancient Nations of Europe, with their Kindred and Neighbours*; but it is in fact a new dictionary in disguise. More than half of the work contains a list of all words of Celtic, Teutonic, and Hispanic origin which occur in ancient classical writers. For the history of languages such a work is invaluable. Though it is known that Celtic and Teutonic dialects were spoken in Europe as early as Greek and Latin, yet we have no authentic remains of German before the fourth century after Christ; and the earliest literary monuments of Celtic belong to a yet later period. What is to be known of these two languages, therefore, during the earlier periods of their existence in Europe can only be gathered from occasional notices in classical writers. Dr. Diefenbach, however, is not satisfied in his dictionary with giving all the passages of Greek and Roman authors in which barbarous words, or any allusions to them, occur. His chief object is to trace these words, in spite of the corrupt forms in which they appear when transcribed into Greek or Latin, back to their German or Celtic originals. This is a kind of work for which he was admirably qualified by his previous comprehensive researches into the constituent elements of the Indo-European family of speech. The Celtic languages, in particular, had been treated by Dr. Diefenbach in one of his earlier works, published in 1839, and entitled *Celtica*, to which, in a certain sense, the present volume forms a supplement. The Teutonic dialects had been fully explored by him in his Comparative Dictionary of the Gothic Language. All the evidence that can possibly be collected from ancient or modern sources in illustration of any barbarous word is brought together by Dr. Diefenbach, and, if we must complain at all, it is again that he really gives too much. He cannot bear the idea that any word mentioned by Greek or Roman writers as Celtic or Teutonic should be allowed to remain unexplained; whereas, if we consider the nature of the case, it would seem anything but surprising that some of these words should baffle our attempts at finding their kindred in the spoken languages of Germany or Wales. They were all written down originally from the mouths of the people, and may have suffered considerably before they were transcribed with Greek or Roman letters. Afterwards, being words unintelligible to those who copied MSS. during the middle ages, they were peculiarly exposed to all kinds of clerical blunders. Lastly, in the history of all languages, words are not only changed so as to lose almost their phonetic identity, but they are sometimes completely lost. Hence it is by no means likely that every word of Teutonic or Celtic origin which was known to the Greeks and Romans should find an explanation at the hands of the comparative philologist; and it

is better, we should think, to leave many of these words unexplained than to bring them by sheer force back to their former allegiance. The temptation is great, no doubt. Every one of these words is like a relic, valueless in itself, but highly precious if once authenticated. It seems but reasonable that the phonetic laws which have bridled the exuberant spirits of the etymologist in every other department of his science, should be somewhat relaxed when he has to deal with words written down from memory by persons ignorant of the phonetic and grammatical peculiarities of the language from which they are taken. But what is the result? We are overwhelmed with guesses, with possibilities, with probabilities; we get ponderous volumes on things that may be or may not be; but we never get what alone is worth having—certainty and truth. Let us take an instance—by no means an unfavourable one—of this kind of conjectural etymology. Columella relates that in Gallia Cisalpina, in a tract of country inhabited by the Veneti, there was a breed of cows called *ceva*. They were small in stature, but with abundance of milk—evidently the classical ancestors of our modern Alderneys. Here, then, is a problem for the comparative philologist, if he must needs accept every problem. If it were known what language was spoken by the ancient Veneti, the problem would be less desperate. If the Veneti belonged beyond doubt to either the Celtic or Teutonic branch of the Aryan family, it would not be very difficult to find some words in the Celtic or Teutonic dialects somewhat like *ceva* in sound, and more or less appropriate in meaning, as names for small cows. But unfortunately the old Veneti have left us nothing by which to form an opinion of their language. And worse than this, it so happens that even the Illyrians, of whom, according to Herodotus (i. 196), the Veneti formed a part, have as yet no definite place in the classification of languages. There is some negative evidence with regard to the dialect of the Veneti in the statement of Polybius (ii. 17), who tells us that, though differing but little from the Celts in manners and dress, the Veneti spoke a different language. But what confidence can be placed in such a remark, considering that, in the eyes of a Greek or Roman, a difference such as we now observe between the Celtic of Ireland and Wales would have been quite sufficient to establish a difference of language? Strabo, one of the few careful observers of language among the ancients, does not decide the point, but simply informs us that by many people the Veneti were taken for Celts. As to the Illyrians, to whom, according to Herodotus, the Veneti belonged, all is again conjecture. Strabo distinguishes indeed between Macedonians, Thracians, and Illyrians; but even admitting that the Macedonians belonged to the Hellenic, and the Thracians, as is now supposed, to the Teutonic branch of the Aryan family, we gain very little by knowing that the Illyrians were neither Greeks nor Germans. It is incredible how much ingenuity has been wasted on questions which cannot be decided for want of evidence, when it would have been so much wiser openly to acknowledge the absence of evidence than to attempt to supply it by piling up conjecture on conjecture. Otfried Müller thought he could prove that the Macedonians and Illyrians were originally the same people, but all he really proved was that the Greeks did not always think it necessary to distinguish between two nations both equally barbarous in their eyes. Those who examine carefully the numerous passages in which allusion is made to the ethnological or political character of the Illyrians, will confess that though there is sufficient material for conjecture, there is nothing to enable us to arrive at any definite view as to the language spoken by that widely scattered race. The Dardani, who gave the name to the Dardanelles, were Illyrians, but there is nothing to show that those Dardani had anything but their name in common with the Dardanians of Troy. The Liburni, who gave their name to Livorno, are called Illyrians, but Niebuhr would have us to distinguish between them and the Illyrians properly so-called. Pannonians also, and Dalmatians are reckoned by some as members of the Illyrian race; but not one ray of light falls either directly or indirectly on the language of that race or any of its members. All that may be asserted with certainty is, that to judge from the names of their towns, and from their proper names, the Illyrians spoke a language of Aryan, not of Semitic or Turanian character. But to return to the Illyrian Alderneys. If their name, *ceva*, is correctly handed down, and if that name meant simply cow, it is not very difficult to see that such a word may be referred to the name for cow which runs through most Aryan languages, from the Sanskrit *go* to the English *cow*. Here, however, we should stop, nor should we forget that in the slang of the Illyrian shepherds this peculiar breed of cows was most likely called by a name much more graphic and more definite in meaning than the simple word *cow*. There is nothing to prove that *ceva* was the Illyrian word for cow. It may have been dwarf, or milky, or anything else, and the chances are that it meant anything rather than cow in general. But let us hear Dr. Diefenbach. He believes that the Veneti were Illyrians, and he likewise believes that the modern Albanian is a remnant of the ancient Illyrian language. Hence *ceva* must be Albanian. Now Albanian is no doubt an Aryan dialect, and as it cannot be derived from Greek, or Latin, or German, or Celtic, it was right to class it as an independent branch of the Aryan family; but that the modern Albanian was the natural continuation of the ancient Illyrian has never been proved, and considering that all connecting links are wanting, it is not likely that it ever will be. If we were once convinced that Albanian and Illyrian are one

\* *Origines Europææ. Die alten Völker Europas mit ihren Sippen und Nachbarn von L. Diefenbach.* Williams and Norgate. 1861.

and the same language, then, no doubt, we should look upon words like *cova*, and others mentioned as Illyrian by ancient writers, as confirmatory evidence. But to maintain that, because *sow* is *ka* in Albanian, and *cova* may have been cow in one of the ancient Illyrian dialects, therefore Illyrian must be the source of the modern Albanian, is going beyond the limits of legitimate induction, and therefore more apt to do harm than good to the progress of linguistic and ethnographic research.

The weak point in Dr. Diefenbach's Essay on the Ancient Ethnography of Europe seems to be his too great reliance on ancient authors whenever they seem to agree with the views now entertained by comparative philologists on the distribution of races over the continent of Europe. When their statements refer to facts which they have themselves observed, they deserve, no doubt, serious attention. For instance, the statement of Herodotus that the Pelasgi, who were living in his time at Kreston, spoke a barbarous tongue, is highly interesting. His theory, however, that the ancient Pelasgi, the ancestors, according to his view, of both the Aeolians and Ionians, spoke the same barbarous language, is nothing but a theory which rests on two assumptions: first, that there was such a race as the ancient Pelasgi; and secondly, that they were the same as the people called Pelasgi in the town of Kreston. Herodotus knew no more about these ancient Pelasgi than any labourer in England would know about the Saxons or Celts or Trojans. He could only speak from hearsay, and what hearsay meant in such matters is well known by this time. We heard of a gipsy who, being cross-examined by an inquisitive ethnologist as to his views on the origin of his race, solemnly informed him that his ancestors came from the town of Assas, in the country of Assaria, east of Russia, from whence they had been driven by the Turks. On the strength of this statement a theory was propounded, and supported by considerable learning, that the gypsies came from Assam. Now, the fact is, that in the gipsy language Assaria would simply mean Asiatic. The gipsies being called Assaris, or Asiatics, the rest of the story is nothing but a myth which would suggest itself spontaneously to any Assaris unwilling to confess his ignorance of the descent of his race. The traditions of which ancient history is made up are very much of this character, and before we make any use of them, we ought to determine, first of all, what means men like Herodotus had of verifying their statements, particularly when these statements refer to events which are supposed to have happened several hundred years before their own times. The difficulties of the historian become still greater when he has to deal with such men as Dionysius of Halicarnassus. Dionysius clearly states as facts what he conceives must have been facts. In the case of the Pelasgi, to which we alluded, Herodotus, having made them barbarians, conceives that at some time or other these ancestors of the Greeks became changed into Hellenes, and unlearn their barbarous tongue. Dionysius, who had no more means of ascertaining what the language of the ancient Pelasgi had been than any scholar of the present day, informs us gravely that the Pelasgi were from the beginning a Hellenic race, that they came from the Peloponnesus, settled in Thessaly, were expelled from Thessaly by the Curetes and Leleges, and were then dispersed over various parts of Greece, Asia Minor, the islands, and Italy. All this is mere theory to account for the real or legendary presence of a race called Pelasgi in various parts of the world, this race being possibly in many cases nothing but a name, corresponding in meaning, if not in form, to the Latin *Prisci*, the Ancients. To attempt to extract anything real or historical, in the proper sense of the word, from such dreams, or shadows of dreams, is perfectly useless. Theories may be framed of such materials which sound more or less plausible according as they are defended with more or less learning and ingenuity, but they will crumble away at the first touch of historical criticism. In some parts of his book Dr. Diefenbach has well distinguished between Latin authors who can and those who cannot be quoted as authorities on the Celtic or Teutonic character of the barbarous races north of the Alps. But when he has to deal with Herodotus and Thucydides, and sometimes with writers of far inferior character, he allows himself to be carried away by their dogmatic assertions without inquiring whether it was humanly possible that they could have verified the statements which they advance. The more the views of the Greeks and Romans on the ancient history and ethnography of Europe and Asia are examined, the more we find that the best thing to do is to ignore them altogether. The *Origines Europæ* must be studied in the languages of Europe, and nowhere else; and the ethnographical map of the ancient world can only be compiled from a careful survey of the languages that are now or have once been spoken by those nations who have left us, in their literature or otherwise, clear and substantial evidence of their own mode of speech.

## LORD COLCHESTER'S DIARY.

*Second Notice.*

**I**T was perhaps fortunate that Abbot did not aspire to imitate Addington, his predecessor in the Chair, by leaving the sure haven of the Speakership for the troubled sea of political ambition; for there is everything to indicate that he would probably have made a still more grievous shipwreck. Only twice in the course of his official career did he step outside the narrow round of routine in which a Speaker's duties are comprised, and on both

these occasions he displayed a petty and reckless party spirit which was unpardonable in a man who had no party battle to fight and no party ends to serve. The first was the impeachment of Lord Melville. The resolutions on which that impeachment was founded were put to the question in a House (including tellers) of 468 members, by no means a full House according to our ideas. Mr. Pitt had moved the previous question in order to the appointment of a Select Committee which might examine the matter more completely. On a division the numbers were exactly equal, and the decision was left to the Speaker's casting vote. The invariable rule in such cases is that the Speaker shall so give his casting vote as to afford the House an opportunity for further consideration, and the rule is peculiarly imperative when the House that is voting is a thin House. Abbot took the opposite course, and—according to Fitz-harris, "after ten minutes' hesitation, and with his face as white as a sheet"—shut out all further inquiry by giving his vote against Lord Melville. Practically no injustice was done, for Lord Melville was probably guilty of having used the public money for electioneering purposes, and subsequent majorities of the Commons affirmed his guilt; so that Abbot had damaged his own neutral character for nothing. The only explanation that can be given of this indecorous outburst of zeal is, that the Speaker had never forgiven Pitt or Pitt's friends for the course they took upon the Catholic question. Certainly it was this furious Protestantism which betrayed him into the other indiscretion that signalized his tenure of office. In 1813, Grattan induced the House of Commons to allow a Roman Catholic Relief Bill to pass all its stages as far as the Committee. In the Committee, Abbot, who had been necessarily excluded from all share in the contest up to that time, availed himself of his technical right to speak, and moved an amendment which took the pith out of the Bill. The amendment was carried in a House of more than five hundred by a majority of four. Though technically justifiable, this was undoubtedly a strong measure. All a Speaker's efficiency depends upon his credit for impartiality; and it is impossible that he can preserve that credit if he takes a leading part in a fiercely contested organic question. But Abbot went a step further. He was not satisfied with his victory unless he sang an *Io Paeon* over it. It is the custom at the Prorogation for the Speaker to make a formal speech to the Throne in reference to the measures passed in the bygone Session—from which custom he derives his otherwise most inapplicable name. Abbot most indecorously took advantage of this opportunity to eulogize the course which the House had adopted upon his own motion, and only by a majority of four; and, speaking in the name of the House, he assigned their reasons for that course. As he was pledging the House to sentiments which they had given him no sort of authority for uttering, the indecency of this proceeding excited a good deal of indignation. The influence of the Government saved him from the vote of censure which was immediately moved; but he never ventured to repeat the offence. There was a balm of consolation, however, in the frantic gratitude of all the Protestant party for his efforts in their behalf. The *Hebdomadal Board* at Oxford sent him a long string of sympathizing resolutions; the Archbishop thanked him for his services to the Church on behalf of the whole Episcopal Bench, and the Regent was observed to nod several times during the speech. One of the oddest of all these laudations was one from the "*Pitt Club*." Pitt had only been dead seven years, and yet he had already passed so completely into a dim mythical tradition that his admirers thought to do honour to his memory by denouncing the measure for the sake of which he had resigned office, and by supporting one of its chief opponents, who, when Pitt was alive, had been estranged from him on its account. Abbot resigned his Speakership in 1817, in consequence of repeated attacks of erysipelas, and was moved to the House of Lords. Two years of travelling abroad restored his health, and he returned home to take as active a part in English politics as his limited abilities would allow. He remained stanch to his youthful creed in the midst of all backslidings and desertions, and continued to be the last a fierce supporter of Corn laws and a fierce opponent of Catholic claims. He died in May, 1829, just before the evil days when all the constitutional theories he had advocated so passionately and so long were to be scattered to the winds.

If the Diary contained nothing else but Abbot's own achievements or reflections, its value would be minute. Fortunately, the men among whom he lived, and who are, therefore, involuntary contributors to its pages, were of a different calibre. Gulliver relates that, owing to his microscopic size, he was admitted to the charming privacy of the young ladies of Brobdignag to a much greater extent than any other male inhabitant of the island, for that they found it impossible to be shy in the presence of anything so small. Something like this was Speaker Abbot's position in the political world. Men of all parties came and opened their griefs to him as to one who could never, by any conceivable turn of affairs, be important enough to embarrass them. These passive qualifications were eminently useful in a diarist whose business it was to know and record the thoughts and words of better men. Speaker Abbot's record, no doubt, is not as full as might be desired. It hardly furnishes all the entertainment or all the profit that might have been fairly looked for from three such enormous volumes. The passages of genuine historical interest might have been brought into a much narrower compass if the winnowing had been undertaken by a less pious

hand. Still there are some for which the historical student will be thankful, as furnishing, if not new facts, at least new confirmation to old and controverted facts. In the Pitt and Addington quarrel we only have the Addington side of the question, for Pitt was no favourite of Abbot's, and was, moreover, not in the habit of pouring out his heart to any body. Possibly, if he had been more communicative he would have fared better with posterity, and we should have been in possession of some more plausible version of his part in that strange intrigue. As it is, his conduct both in going out and in coming back again remains as indefensible as ever. He must still be held guilty of having thrown over the King in the first instance and Addington in the second, without any ground whatever that some other part of his conduct did not cut from under him. Probably a miscalculation of the King's temper was at the bottom of his inconsistencies. By insisting on the Catholic claims, Pitt thought he could force the King to yield. He never seems to have calculated on the King's going mad under the process. When he experimentally discovered this to be a likely contingency, his horror of a Regency overbore his fear of Catholic disaffection; and he hastily withdrew the proposition for the sake of which he had overturned a Ministry of nineteen years' duration. His efforts to retrieve the false step, when he had once discovered it, and to scramble back into the position from which he had so haughtily descended, naturally gave an unwonted air of pettiness to his proceedings.

The Diary is much more full in respect to the manifold quarrels of which Canning's wrong-headed vanity was the cause. It is remarkable that a man so popular in society as Canning should have made such an enormous number of inveterate personal enemies. From every "Ministerial crisis" in which he was involved, he contrived to carry away an enmity for life. Three several times in the course of his career he tried to force himself into some official position which he coveted, at the expense of those who, in opinion, should have been his political allies, and a mortal feud with his rival was always the result. During Pitt's second administration he quarrelled with Lord Hawkesbury; and his friend Pitt was so thoroughly convinced he was in the wrong that he offered to dismiss him if Lord Hawkesbury desired. Previously to Pitt's death, also, Lord Sidmouth conceived so extreme a disgust against him that he steadily refused for a long series of years to sit in Cabinet with him, or even to meet him. Throughout the Duke of Portland's Administration he was equally disatisfied and restless, and his discontent at last found vent in an intrigue more disloyal than any that he had yet been guilty of. His secret attempt to oust Castlereagh can only be paralleled by the trick with which a few years ago Lord John Russell brought the Aberdeen Administration to the ground. Curiously enough it referred to the same office. In the Easter recess of 1809, he declared to the Prime Minister, the Duke of Portland, that he would not continue in the Government unless Castlereagh was removed from the War Office. The Duke of Portland and the King weakly consented to remove his rival; and Canning actually entered into an agreement that Castlereagh should be removed at the end of the session, but that the matter should be kept a profound secret from Castlereagh till then, in order that his services might be made available in the House of Commons. The accidental discovery of this pretty little plot produced a break-up of the Ministry and a duel between Castlereagh and Canning. But Canning took nothing by the motion. He never was permitted to take the lead of Castlereagh in the House of Commons. He never even held office again until his rival had been removed by death. The chance was more than once offered to him; but his steady refusal to act under any other man in the House of Commons condemned him to obscurity during some of the most stirring years of European history. George IV. seems to have detested him as heartily as any of his colleagues did. When he concluded his life of quarrels by quarrelling with the Duke of Wellington in the spring of 1827, the Duke told Lord Colchester, "Canning, I know, would give half his tenure of office to have me back in his Cabinet, i.e., instead of ten years of power without me, he would be content with five years of power. I have reconciled the King to him forty times while I have been his colleague."

The Diary is not entirely given up to the faction-fights of the House of Commons, or the struggles of rival candidates for power. Occasionally we hear something, though far too little, of the terrible tempest which was raging outside, by which England was always threatened, and in which she was partially involved. A detailed account of the mode in which the Government of 1804 proposed to resist the invasion that was expected is wholesome information, and necessary for these times. Volunteering was the subject of a much keener interest than it is even now. The servants of private houses even were drilled to the use of arms. Horse volunteers were greatly encouraged, and were employed chiefly for the purpose of dispersing the seditious assemblies with which the Government had constantly to contend. What the sufferings of a Volunteer in those days must have been may be judged from the following instructions for their appearance. The Volunteers of our own day do not know their privileges:—

Hair powdered and greased, six inches long, close to the head; turban of the helmet and feather cleaned or renewed; black leather stock and turnover; new hussar jacket; swords well polished, cross-belts well whitened, and pistol belts over them; white washleather gloves, with leather breeches, horse-collar, and coat-case well cleaned and whitened.

Some scraps of information of this kind may be gleaned here and there out of the prolix chronicle of Parliamentary formalities. But anything like general gossip has been kept out of the Diary with only too scrupulous a hand. It may repay those literary sportsmen who are satisfied only to get a few shots out of a large covert, but it would be gratuitous cruelty to recommend it as adapted to the more exacting tastes of the general reader.

#### NEW ATLASES.\*

THERE is no better sign of educational progress than the growing popular demand for maps and plans. We do not mean merely the occasional interest excited by passing events, such as the war in the Crimea, or the Italian campaign, or the advance on Pekin; although the influence of contemporary history upon the popularity of geographical science is not small. But, if we may judge from the number and the progressive improvement of the Atlases which issue in quick succession from the press, there would seem to be a rapidly extending circle of students or readers who have learned practically that geography is one of the most important handmaids of history and general knowledge. That this is the case must be a subject of real congratulation to all who are interested in the intellectual advancement of the age.

The Atlases now before us are among the most recent publications in this department of letters. It is not easy to institute a critical comparison between the merits of rival collections of maps. The art of map-engraving has been so greatly improved of late years that it is seldom that one has to complain of obscurity or illegibility in a modern map. Whether the improvement in accuracy is equal to that in execution may be doubted. He would be a bold man who should guarantee the perfect trustworthiness of any Atlas; for it is obvious that, with every desire on the part of the chartographers to go to the best authorities and the latest sources of information, many maps must be mere reproductions of their predecessors, without the advantage of a fresh survey or of correction by a personal knowledge of the several districts. With respect to foreign countries this is perhaps pardonable; but we confess that we think it very discreditable for map-makers to go on publishing maps of English counties, for example, without any attempt to rectify former errors. Any one acquainted with some of the more out-of-the-way parts of England could lay his finger on districts in which the original Ordnance Survey continues to be copied in ordinary maps, although great changes in the network of roads have since been made. We are not speaking now of the execrable sixpenny maps of counties which are sold at railway stations, but of some more ambitious publications. Without, however, continuing these remarks, or travelling again over ground which we covered in a former article on this subject, we proceed to notice the chief merits of the various books mentioned in the above list.

Mr. Blackie's Imperial Atlas is intended as a companion to his well-known *Gazetteer*, and he modestly introduces it as rather fit for general use than for that of the professed geographer. We should not have listened to this plea, had the maps upon examination proved to be inaccurate and worthless. But we are bound to say that, after testing several of them, taken at random, we see no reason to doubt their general correctness. Whether the author is equally to be trusted when he claims for his Atlas the merit of being portable, is another question. The book is a thick and heavy specimen of the smallest folio size. It is true that it is manageable when compared with Atlases of a still larger scale; but it is far too cumbersome to be a mere handy-book. And when once a volume is so large that it requires some trouble to refer to it, its size matters little, except so far as may concern its reception on the shelves of a library. It is a good feature of this Imperial Atlas that special attention is paid in it to our own islands, and to the British colonies. The former, for example, are mapped in great detail, with much fulness of names, and very legibly drawn. But we have to complain that the general physical features are not sufficiently or consistently marked. Without running into extremes, we think that every map ought to show the principal river-systems and mountain-ranges of a country. But in the maps before us the Weevers Hills, for example, are not marked at all; and for all that appears, the Pennine range—the great backbone of England—does not extend farther south than the High Peak. Nor again, in the south of England, is any notice taken of the heights of the north of Hampshire. This is a great drawback to an otherwise clear and beautiful and accurate map.

One of the greatest improvements in modern atlases is the introduction of new maps of regions or parts of countries which used not to be thought worthy of separate treatment. In Mr. Blackie's

\* The *Imperial Atlas of Modern Geography*; an extensive Series of Maps, embracing the most recent Discoveries and the latest Political Divisions of Territory, in all Parts of the World. Compiled and Engraved from the most Authentic Sources. Under the supervision of W. G. Blackie, Ph.D., F.R.G.S. London: Blackie and Warwick. 1860.

The *Complete Atlas of Modern, Classical, and Celestial Maps*, together with Plans of the Principal Cities of the World. Constructed and Engraved on Steel, under the Superintendence of the Society for the Diffusion of Useful Knowledge; and including all the recent Geographical Discoveries. London: E. Stanford. 1860.

Dr. Karl von Spruner's *Historico-Geographical Hand Atlas*, from the Destruction of the Western Empire by Odoacer, in the year 476. London: Trübner and Co. 1861.

volume we notice, under this head, maps of the Isthmus of Caucasus, of Arabia, of Independent Tartary, of the Islands of the Indian Archipelago, and of the Grecian and Papuan Archipelagos. To this improvement we may add the comparatively new feature of maps showing the general relation of the more important countries to the neighbouring States. Such, for example, is the useful map of the British Isles with the North Sea; although here, in particular, we have to notice that the engraver seems to have followed no intelligible principle in the selection of rivers and hills to be marked, or even in the type in which the names of towns and places are printed. We find separate maps also of the Indian Ocean and of the shores of the Mediterranean. A separate map of the Crimea, on a large scale, is useful for those who may wish to read the history of the late war; but it has little political importance at the present time. On the other hand, the map of Vancouver's Island is of great immediate interest; but it is much to be regretted that the colony of British Columbia on the neighbouring continent is most inadequately represented. Full maps of Iceland, Greenland, and Kamtschatka may be also reckoned as acceptable novelties. With the exception noticed above, Mr. Blackie's Atlas deserves great praise for the pains bestowed upon British North America. The United States and the Central and South American Republics are also carefully mapped, which is, in itself, an immense step beyond the orthodox routine of Atlases a few years ago. The interior of Africa is slowly filling up, as the routes of the great missionary explorers take their place among the proved facts of geography. We observe, also, the steady growth of ascertained topography in the north-east of that continent—thanks to the labours of Burton, Speke, and others.

We have no comments to make on Mr. Blackie's maps, viewed politically, except that they are of necessity transitional. Italy, in its present condition, must be a vexation to a chartographer, who must often wish that it were indeed nothing but a "geographical expression." Savoy and Nice figure in Mr. Blackie's map as parts of Italy, but they are marked off by a strong red line from the Sardinian Kingdom. This map is of course already antiquated as to the more recent Italian changes. In the maps of Northern Asia, the territory north of the Amoor is properly marked as ceded by the Chinese to the Russian Empire; and the comparative facility of postal and telegraphic communication between Pekin and St. Petersburg, when contrasted with the ordinary route between England and China, ceases to be so much of a mystery when the distance is properly studied on a good map.

Two more maps deserve special mention. There is a very good one of the Southern Circumpolar Regions, showing the land of South Victoria, with Mounts Terror, Erebus, and Crozier, lying between the 70th and 80th degrees of south latitude, and offering a tempting field to Antarctic explorers. The other one represents the North Atlantic Ocean on the gnomonic projection, and marks the soundings, currents, and what is called the Sargasso Sea, according to Captain Maury. Finally, an index of no less than 120,000 names, giving the latitude and longitude of each place, and referring to the map in which it occurs, makes this excellent Atlas a most convenient one for general use and reference.

The *Complete Atlas*, published by Mr. Stanford, will detain us a shorter time, inasmuch as it is merely a re-issue, with improvements, of the well-known, and in their way, excellent maps of the Society for the Diffusion of Useful Knowledge. It forms a most useful and cheap collection, containing an Ancient Atlas, in addition to the modern maps, besides plans of the more important capitals of the world, and also a Celestial Atlas. Other special features are a geological and a physical map of Great Britain. The former is fairly good; but the latter is inferior to the cheap one published by the Rev. S. Clark, and is so confused that it is not easy to trace upon it even the main watershed of England. The map of Roman Britain is very useful; though we observe omissions—such, for instance, as that of Uxelodunum. A curious Archaeological feature is the marking of all the Round Towers in Ireland. Among the new maps now added to this series, are those of the principal oceans, showing the tidal lines. And, in particular, there is an excellent set of six maps, showing the whole world on the gnomonic projection. The whole series is not however corrected up to the present time. For example, in some of the maps the extension of the Russian Empire to the Amoor is not noticed. British Columbia, which was slighted in Mr. Blackie's Atlas, is very well mapped in the Atlas now before us; and the United States are given with great fulness in this series. The rectangular divisions of the later States make these maps perfectly hideous to the eye. Western Australia almost equals them in the stiff angularity of its boundaries. Curiously enough, the plans of New York and Philadelphia contrast in exactly the same way with those of more ancient capitals; though Turin is nearly as formal and insipid in plan as the Transatlantic cities. The art of map-engraving has vastly improved since the first issue of this series, and we do not know why the newly added maps should not have been drawn in somewhat better style. Still, as a comprehensive Atlas, procurable at a small cost, the present work is likely to retain its deserved popularity.

The last book on our list, Spruner's *Historical Atlas*, is a reprint in English of a well-known and much-valued German publication. Four new maps are added, with especial reference to British history. The first of these represents Roman Britain; the next illustrates the Anglo-Saxon era of our national life; the third is devoted to the interval between the Conquest and the

accession of the House of Tudor in 1485; and the last records the political geography of the last three centuries. Roman Britain is divided into its five provinces, and the principal towns are laid down; but the great roads ought certainly to have been traced. The Anglo-Saxon map professes to be compiled by reference to Palgrave, Kemble, and Lappenberg, besides earlier writers. It is full of interest, although the period which it covers—no less than six centuries—cannot well be summed up in a single map. The kingdom of Strathclyde, for example, is shown with Cumberland as an integral part of it, though this English county was only ceded to the Scottish kingdom in the time of Malcolm III. The same objection partly applies to the following map; while the last of the series, representing the British Isles since 1485, might have been dispensed with altogether. These maps have been engraved, it would seem, in Germany, and many of the English names, especially in the last map, are incorrectly given. In spite of these comparatively trifling drawbacks, we may congratulate English readers on having Dr. Spruner's celebrated historico-geographical maps made accessible to them in a cheap and convenient form.

#### GERMAN LITERATURE.

**D**R. GRASSE has published another edition of his *Der Tannhäuser und ewige Jude*,\* which had become very scarce. It is a very agreeable specimen of mythography, and may help to rescue that pleasant science from the unnatural dulness with which learned speculations are apt to invest it. The plan of the book is to select two well-known legends as texts, and to group round them all the stories existing in any language that bear any sort of analogy to them. The first story is that of the knight Tannhäuser, a distinguished minne-singer, in the Hohenstaufen period, who was enticed by the goddess Venus into a cleft in the Venusberg, near Eisenach, and lived with her for seven years. Escaping at the end of that time, and conscience-stricken for his sin, he sought absolution of every priest he could find; but as none of them dared to grant it to him, he made a pilgrimage to Rome, to seek it of the Pope. But the Pope was equally relentless, and told him that he should only be forgiven when the Pope's staff blossomed, and not before. The knight fled in despair, and finding that the powers of the Church would have no more to say to him, thought he had best at least make it up with the goddess Venus. Three days later, to the Pope's horror, the staff did blossom, in token that the knight was forgiven. He instantly sent messengers all over Christendom to fetch the knight back. But it was too late—the knight had disappeared in the cleft of the Venusberg, and was never seen again. On this text Dr. Grasse takes occasion to compare all the legends from all corners of the earth, in which intercourse, amatory or otherwise, is made to take place between mankind and supernatural beings, as well as the legends in which dry sticks are made to blossom as a miraculous confirmation or token. The latter class of legends may possibly have been suggested by Aaron's rod; but it is impossible to assign any common stock for the former. One very sanguine believer in the common origin of all human fables has attempted to maintain that the Homeric tale of Ulysses and Calypso is only another form of the legend of the Knight Tannhäuser. But Dr. Grasse observes, with great justice, that this assumption of the relationship of all legends whose features are in any way similar is a theory which often contradicts every probability derived from external evidence. The localities in which the analogous legends are found are sometimes in every sense so distant, that it is impossible to conceive how the passage from one to the other can have been effected. The story of Leander is to be found in the Punjab, and in the centre of New Zealand. The story of Apollo and Daphne reappears—a plant of Indian corn being substituted for a laurel—among the Mohawks of North America. The second legend which he discusses—the Wandering Jew—boasts a still more numerous train of relatives among every language and people. There is no limit to the stories of men who have been doomed to exist upon earth after death in a condition of miraculous vitality. The commonest form taken by the legend is that of sleepers for a long period of years, who have come out upon a new and unknown generation, without any consciousness on their own part that such an interval had elapsed. The list of them extends from Epimenides to so modern a period as that of Rip van Winkle. Then come the enforced Wanderers—the Wanderers by Styx, the disturbed spirits who haunt the scenes of their crimes, the eternal dancers of Kolbeck, Herne the Hunter, and the Flying Dutchman. The story of the Wandering Jew stands, however, by itself in this—that he is the only one to whom an eternal wandering until the Judgment Day is supposed to be assigned. All the others have some hope of rest, either after the lapse of a certain period, or the occurrence of some expiatory contingency. The book will well repay perusal, for it is rare to find so much erudition compressed together in so readable a form.

M. Moriköfer has undertaken the patriotic but melancholy task of making a funeral oration over the defunct glories of Swiss-German literature.† The literary stillness which now

\* *Der Tannhäuser und ewige Jude*. Zwei deutsche Sagen in ihrer Entstehung und Entwicklung historisch, mythologisch, und bibliographisch verfolgt und erklärt. Von Dr. J. G. Grasse. Dresden: Werner. London: Williams and Norgate. 1861.

† *Die Schweizerische Literatur des Achtzehnten Jahrhunderts*. Von J. C. Moriköfer. Leipzig: Hirzel. London: Williams and Norgate. 1861.

reigns in the German side of Switzerland is all the more remarkable from the contrast it affords to the activity which prevailed up to the beginning of the present century. So far as Bodmer was more advanced and less traditional in his canons of criticism than Gottsched, and in that he was older than Klopstock, the literary revival of German-Switzerland may be said to have preceded that of Germany itself. Up to the beginning of last century, German was a despised popular dialect in the lowlands of Northern Switzerland. Latin was the language of men of science, French of social intercourse and popular literature, in Berne, Basle, and Zurich. Political alienation in Switzerland, as afterwards in Germany, seems to have been one main cause of the revolt against the literary supremacy of France. Partly sympathy for the persecuted Protestants, partly resentment at Louis XIV.'s intriguing interference in Swiss politics, partly the more prosaic motive of discontent at a reduction in the pay of Swiss mercenaries, produced a reaction against France in Berne and other towns, which had its immediate effect upon their literature. Swiss thinkers instinctively turned to English models for aid in escaping from the tyranny of French taste, just as the Germans did some years later on. The *Spectator* was then in the height of its glory in England; and in imitation of it the *Diskurse der Maler* was set up in Zurich, by Bodmer, Breitinger, and the elder Lavater. This attempt, which was the germ of the literary revival in the Swiss towns, broke down from a cause which one would have hardly looked for in a Republic. It was found impossible to conduct moral dissertations, of which the Swiss *Spectator*, like its English prototype, principally consisted, in such a manner as not to wound the exquisite susceptibilities of the Swiss religious censors. It was forbidden to publish panegyrics upon virtue, unless cautionary words were inserted to restrict the eulogy to "virtue that proceedeth from faith." A field-mouse in an allegory was forbidden to say "Adieu" to its brother field-mouse, as such a valediction would have implied an unorthodox conception of a field-mouse's theological position. "Dialogues of the Dead" were wholly proscribed, as they clearly implied an unscriptural view upon the subject of future punishment. Under the pressure of a supervision conducted in this spirit the Swiss *Spectator* dragged out a tedious and colourless career of two years. It only deserves mention as having been the exploit in which Bodmer, the first of the new Swiss school, fleshed his maiden sword. M. Moriköfer's book consists of the biographies of a succession of the most distinguished Swiss writers, of whom Bodmer was the first. The list includes Haller, Lavater, Gessner, the historian Müller, and the schoolmaster Pestalozzi, besides several less-known names. The biographies are more in the nature of an *éloge* than of a critical examination. But they are very complete, and indicate considerable research.

The *Life and Teaching of John Scotus Erigena*,<sup>\*</sup> is a learned and painstaking assault on the orthodox reputation of that celebrated divine. Dr. Christlieb analyses his doctrines in great detail, tracing the points in which it meets the Neo-Platonism of the Pseudo-Dionysius, and those in which it coincides with the modern German school. He takes the view, which is now the prevailing one, that Erigena was a complete Pantheist, with a clever knack of justifying his opinions by allegorical applications of Scripture texts, and so deceiving, certainly his contemporaries, and probably himself. The summary of Erigena's teaching is best given in Dr. Christlieb's own words, for a paraphrase is hopeless:—

Erigena starts from God as pure Being, looks on the visible world simply as a manifestation of God, and can consequently admit God to attain to self-consciousness only in the spirit of man, and further holds, in common with Hegel, the fundamental assumption that the idea, the abstract and the universal, is alone true and substantial, and that the concrete is mere appearance.

The author claims for his hero, with something like indignant eloquence, the honour of having first originated the "ground-thought" of modern German philosophy, commonly attributed to Jacob Böhme, that nature and spirit form no true dualism; and he draws out the parallel between Erigena and the lights of the modern school with great patience and erudition. It is a learned and laborious book, but the perusal of it will not leave the reader's mind in a very enlightened condition, nor indeed convey to it any idea at all, unless he be very familiar with the grandiose jargon in which Pantheistic imaginations are usually embodied.

Dr. Steinthal of Berlin has published a second edition of his *Classification of Languages*,<sup>†</sup> under the title of *Characteristics of the Principal Types of Construction in Language*. His principal aim is to refute the assumed analogy between all languages—the supposed existence of a philological framework or ground-plan on which all languages are formed:—

Languages are as various as the consciousness of the minds of various races. Therefore the assumption of grammarians, both philosophical and historical, up to this time, that all the languages of the earth have at bottom a fixed scheme of categories, and that all differences are principally questions of sound, is fully overthrown, and a new point of view, the historical, is procured.

He proceeds upon this reasoning, of whose originality he seems very thoroughly convinced, to construct a comparative philology on psychological principles. The result is unusual enough, whatever may be thought of the theory out of which it arises. His classification consists of six members, which are—

\* *Leben und Lehre des Joh. Scotus Erigena*. Von Dr. T. Christlieb. Gotha: Besser. London: Trübner. 1860.

† *Charakteristik der haupt-sächlichsten Typen der Sprachbaues*. Von Dr. Steinthal. Berlin: Dümmler. 1860.

1, Chinese; 2, Siamese; 3, Polynesian; 4, Altaic; 5, American; 6, Caucasian—the Caucasian including in one branch the Egyptian, the Semitic, and the Indo-Germanic. He speaks very contemptuously of those philologists who do not import metaphysics into their grammar; but grammar is a science that has quite hard words enough of its own, and had better—at least in a German's hands—be kept clear of the absolute and the infinite. Its fascinations are not increased by discussions whether external pronouns correspond to internal pronouns, or dissertations upon "stuff-roots," "stuff-elements," and "stuff-words." Dr. Steinthal concludes his work by adding another to the many phonetic alphabets which have been already published and forgotten.

The *Rebels of Lübeck*<sup>\*</sup> is rather a good specimen of an historical novel. Its subject is the career of Wullenweber, the popular leader who, early in the sixteenth century, made a desperate effort to reinvigorate the declining power of the Hanseatic League. He was a mixture of patriot, demagogue, and reformer; and in those capacities did his best to overthrow Romanism, the feudal aristocracy, and the rival kingdom of Denmark. Lübeck was then the most powerful town of the League, and was able, with no assistance but that of some Baltic corsairs, to maintain the struggle for some little time. The combination, however, was too strong for her. Wullenweber was put under the ban of the Empire, and perished on the scaffold. The duty of the historical novelist is to put his bit of corner-history in as lively a form as possible, to invent as little as may be, and to interweave a love story for form's sake, without making it too obtrusive—all which requirements are very conscientiously observed by the author. There are traces in it of a desire, inspired no doubt by passing events, to get up a national feeling against Denmark, which, as far as relative size and kindred of blood is concerned, is very much the same sort of thing as a national Piedmontese feeling against Monaco.

Ralph Norwood<sup>†</sup> is a tale of American life on the borders of Florida, at the time when it was first ceded by the Spaniards to the United States. It professes to recount the adventures of a half-caste American, who is employed by the Government to persecute the tribe to whom his mother belonged, and who, after a life of many crimes, is caught by them, scalped, and burnt alive. It is principally remarkable for being written in five volumes, and not ending with a marriage. Fenimore Cooper has used up whatever materials for romance are to be obtained from an idealization of Indian character and manners, and there is little left for later imitators to glean. The descriptions of Floridian and Georgian scenery are pretty and attractive, and evidently the transcript of very enthusiastic recollections. They are much better executed than the characters, who are conceived on the principle that half mankind are specimens of patriarchal innocence, and the other half of boundless villainy.

Schleswig-Holstein pamphlets begin to multiply. We will notice three that we have received upon the Danish side of the question—a side which it requires some courage for a German pamphleteer to take. *Documents towards the History of High German in Middle Schleswig*,<sup>‡</sup> deals with the ostensible complaint put forward by the Diet at Frankfort. Middle Schleswig, that is to say, the tract that lies between Sleswick and Flensburg, is partly German, partly Danish. But the exact proportion of the two languages is a subject of bitter controversy; for, of course, where schooling is compulsory, the question of the preponderance of language is a very serious one. One side declare that everybody talks German who can manage to scrape a few words of it together, and that Danish is looked upon as provincial and low; and the other side maintain with equal confidence that very few talk German habitually, even if they know it, and that they only use it out of civility to their German interrogators. The question is further complicated by the fact that in many parts the inhabitants are Frisians and Angles, and use a very low variety of Low German, which is a good deal more like English than it is like High German. The same extreme divergence of opinion exists as to the historical status of the two languages. The German writers have asserted—and politicians of weight have adopted the assertion—that the Danish and Frisian dialects were supplanted by German so far as scholastic and ecclesiastical purposes are concerned, immediately after the Reformation. The pamphlet before us brings forward a string of documents to show that this statement is a complete error. During the latter half of the last century, the great local difficulty appears to have been that the clergy, who all came from Kiel, could speak nothing but German, and that the congregations, and scholars, and schoolmasters did not understand a word of it. By dint of repeated efforts, extending over a long series of years, the then Holstein-Gottorp Government, which was bent on treating its section of Schleswig as a German province, succeeded in introducing German into the schools, and by the beginning of this century had made a certain amount of impression upon the people themselves. But the process was as arbitrary as the present efforts of the Danish Government to "Danize" the German inhabitants are said to be. The second pamphlet deals with what is evidently the real cause of quarrel—

\* *Die Rebellen von Lübeck*. Historischer See-roman aus den Zeiten der Hanse. Von Adolph Buchheim. Dessau: Katz. London: Williams and Norgate. 1860.

† *Ralph Norwood*. Von Armand. Hannover: Rümpler. London: Williams and Norgate. 1860.

‡ *Acktenstücke zur Geschichte der Hochdeutschen in Mittel-Schleswig*. Copenhagen: Im Verlage der Gyldendalschen Buchhandlung. London: Williams and Norgate. 1861.

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the question of title to the Duchy of Schleswig.\* This never appears on the face of diplomatic documents. Neither the Diet nor the Prussian Cabinet ever claim any right whatever over Schleswig, except such as the Danish crown by its own voluntary engagements has given them. They do not pretend to any jurisdiction beyond the frontiers of Holstein. But it is not so with German journalists and pamphleteers. Their claim is that the Germanic Confederation has a right to interfere on behalf of Schleswig, because Schleswig was once united to Holstein, which has always unquestionably formed part of the old German Empire. Even if the fact were so, the reasoning would be difficult to follow. If union, past or present, with a Germanic province constitutes liability to the jurisdiction of the Germanic Diet, it is difficult to see how Paris, Geneva, Pesth, and Cracow are to escape. But in truth the union has been desultory and partial, and when it has taken place has been the result of their acquisition by Denmark. It is true that, about four hundred years ago, King Christian I. of Denmark did grant to them that "they should remain for ever together undivided." But the "for ever" only lasted for thirty years, and after that space of time his sons divided the Duchies between them, and nothing more was heard of King Christian's eternal union. The pamphleteer, a very strong partisan, dwells a great deal on the part taken by the representative of the Augsburg line, who by virtue of recent treaties has been shut out of the succession, and imputes the whole agitation to his intrigues. The third pamphlet is a translation from an address to his countrymen by a Danish Conservative, who is very anxious to calm the heightening exasperation on both sides; for a "Repeal of the Union" is sought for, not only by a German party, but also by a Danish party. If the Holsteiners and Schleswigers complain of the misgovernment and oppression of the Danes, the Danes are not less impatient at the cost and trouble to which the incessant agitation puts them; and proposals have occasionally been made for absolutely severing all but a merely dynastic connexion with Holstein, and for dividing off Schleswig into a purely Danish and a purely German territory. The chief aim of the pamphlet is to insist that in the present exasperated condition of the two races a sharp division between them would tend to constant collision, and that an interval of neutral ground helps to keep the peace. He incidentally touches upon facts which go far to explain the pertinacious desire of some districts of Schleswig for disunion. In the north of Schleswig the land is very much subdivided, and the gentry are few; in the south the gentry are numerous and the properties large. Now Denmark is rather democratically constituted. In Holstein, on the contrary, the aristocracy is powerful, and many feudal privileges survive. The result is that the south of Schleswig has a close sympathy with Holstein, the north with Denmark; and the gentry of South Schleswig feel themselves very much in the same position as the Southern States of America, and are anxious to secede from neighbours who threaten them with the contagion of such dangerous principles.

We ought not to conclude without noticing another of those beautiful *éditions de luxe* for which Messrs. Cotta have acquired a peculiar distinction. It is a New Testament,† Luther's translation, illustrated with photographs of drawings by the best artists in Germany. Of course the question as to the permanence of illustrations of this class is still unsolved; but supposing them to last, they are far softer and more beautiful than engravings.

\* *Der Schleswig-Holsteinismus, an der Geschichte und dem Staatsrecht gepruft.* Von einem Freunde der Wahrheit. Sonderburg: C. F. La Motte. London: Williams and Norgate. 1860.

† *Die Aussonderung Holsteins und die Theilung Schleswigs.* Vom Verfasser der Dänischen Schrift "Prinds Christian." Uebersetzt von einem Deutschen Schleswiger. Copenhagen: Gyldendal. London: Williams and Norgate. 1860.

‡ *Das Neue Testament nach der Deutschen Ueersetzung von M. Luther.* Mit Photographen nach Zeichnungen der ersten Künstler Deutschlands. Stuttgart: Cotta. London: Williams and Norgate. 1861.

## ADVERTISEMENTS.

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Monday, February 18th. Balfe's SATANELLA. Miss Louise Pyne, Mr. W. Harrison, and the Royal English Opera Company.

On Tuesday 19th, and during the week, Aubert's LE DOMINO NOIR. The words adapted by H. F. Chorley, Esq. Miss Louise Pyne, Leffler, Thirlwall, Huddart, Morrell, Mrs. Henry Hall, St. Albany, H. Corri, Hornbeam, Conductor, Mr. A. Mellon. A NEW OPERA—THE WIDOW OF THE THERMIDORENT. Madame Lamoureux, Mme. Pierron, Mons. Vandris, and the Corps de Ballet.

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## LIEUTENANT-GENERAL SIR JAMES OUTRAM.

A S the RETIREMENT from the INDIAN COUNCIL of SIR JAMES OUTRAM seems a fitting occasion for the expression of the respect and admiration entertained for his eminent public services and high moral worth by his countrymen, it is proposed that a MEETING shall be held at an early day, of which due notice shall be given, for the purpose of considering the best means of recording, in a durable manner, the public regard and gratitude.

The following noblemen and gentlemen have already expressed their desire to co-operate in that object, and have promised their assistance and support:—

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[Feb. 16, 1861.]

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